COUNTY OF MERCER COMPREHENSIVE FARMLAND PRESERVATION PLAN



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> Preliminary Draft December 9, 2007 Revised April 21, 2008 CADB Adoption: June 2, 2008

"Prepared through funding from the New Jersey State Agriculture Development Committee"

2007 COUNTY OF MERCER COMPREHENSIVE FARMLAND PRESERVATION PLAN

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INTRODUCTION

New Jersey is a state of extremes, having some of the highest population densities in the country and, at the same time, having some of the most pristine wilderness such as the Pine Barrens region. Within this diverse landscape are counties like Mercer with very fertile and productive farmland that enables the Garden State to live up to its name.



Lee Acres Farm, E. Windsor; Dan Pace

The goals of the Mercer County Farmland Preservation Plan are to guide Mercer County's efforts to:

- Preserve its remaining viable agricultural land; and,
- Enhance and protect its agricultural industry.

The Plan recognizes:

- That farming is an important component of the county's economy;
- That preserving farming is in the public interest; and
- That farmland is an irreplaceable natural resource.

This Plan has also been prepared to meet requirements of the New Jersey State Agriculture Committee (SADC) for state farmland preservation cost-share. The format of the Plan follows the SADC's "Guidelines for Developing Comprehensive Farmland Preservation Plans".

Pursuant to a review by the SADC of the Preliminary Draft Plan submitted in December, 2007, this Plan was revised and resubmitted to the SADC on April 21, 2008. The Plan was conditionally approved by the SADC on May 22, 2008 pending adoption by the Mercer CADB and County Planning Board.

The Township of Washington changed its name to Township of Robbinsville effective January 1, 2008. All references to "Washington" in this Plan refer to the Township of Robbinsville.

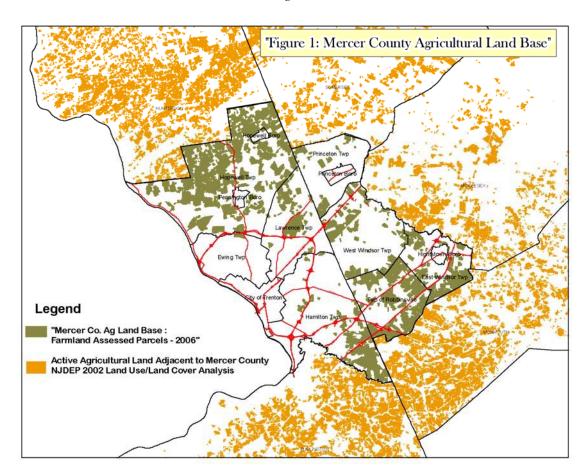
Chapter I: Agricultural Land Base of Mercer County

A. Location and Size of Agricultural Land Base

Mercer County:

Utilizing Farmland Assessment records as an indicator for the current location and size of the County's agricultural land, Figure 1 illustrates that most agriculturally assessed lands in Mercer County are found in the northern municipality of Hopewell Township and the northern portion of Lawrence Township, plus, the southern municipalities of West Windsor, Washington, and East Windsor Townships. To a lesser extent, Hamilton Township near the border of Burlington and Monmouth counties also has significant acres of farmland. The total acreage of farmland assessed properties is 34,669 acres (2006). This represents 24% of Mercer County's total land area of 144,640 acres.

Figure 1 also illustrates how Mercer County's farmland assessed parcels relates to agricultural land in the adjacent Counties of: (clockwise from the top) Hunterdon. Somerset, Middlesex, Monmouth, and Burlington.



Mercer Municipalities:

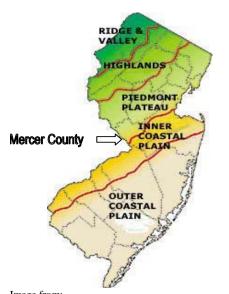
Table 1 identifies Farmland Assessed properties by type of farmland assessment land class and by municipality. Hopewell Township has the greatest "Total for Ag Use" acreage assessed for agricultural use. Six municipalities (Ewing, Hightstown, Hopewell Borough, Pennington, Princeton Borough, and Trenton) have very little amounts of acreage assessed for agriculture - or none at all.

Table 1. 2006 Municipal Farmland Assessed Parcels – Agricultural Classes

NEW JERSEY FARMLAND ASSESSMENT TAX YEAR 2006 COUNTY SUMMARY

TOWN	CROPLAND HARVESTED (acres)	CROPLAND PASTURED (acres)	PERMANENT PASTURE (acres)	UNATTACHED WOODLAND (acres)	ATTACHED WOODLAND (acres)	EQUINE ACRES (acres)	TOTAL FOR AG USE F (acres)	TOTAL FA-1 FORM
E WINDSOR TWP	1,984	99	183	131	322	5	2,724	2,895
EWING TWP	86	0	5	23	22	0	136	136
HAMILTON TWP	2,522	226	98	369	496	18	3,729	3,837
HIGHTSTOWN BORO	0	0	0	0	0	0	0	0
HOPEWELL BORO	34	0	19	0	4	0	57	64
HOPEWELL TWP	5,900	1,515	2,580	2,277	3,245	163	15,680	17,012
LAWRENCE TWP	674	136	546	148	382	37	1,923	2,076
PENNINGTON BORO	0	0	0	0	0	0	0	0
PRINCETON BORO	0	0	0	0	0	0	0	0
PRINCETON TWP	399	33	67	356	177	3	1,035	1,090
TRENTON CITY	0	0	0	0	0	0	0	0
WASHINGTON TWP	3,732	122	157	275	769	45	5,100	5,181
W WINDSOR TWP	1,478	55	105	479	167	7	2,291	2,378
TOTAL	16,809	2,186	3,760	4,058	5,584	278	32,675	34,669

B. Distribution of Soil Types and Characteristics



http://www.njaudubon.org/Education/Oases/Images/Physiographic Map_copy2.jpg

Mercer County comprises 226 square miles midway between New York City and Philadelphia. It lies in both the Inner Coastal Plain and Piedmont physiographic provinces. As illustrated in the map to the right, in Mercer County, U.S. Rt. 1 can be roughly considered as the red line divider of these two provinces.

South of Rt. 1, unconsolidated sediments composed mainly of sands, silts, and clays underlie the coastal plain, and, consistent with coastal plain conditions, slopes are gentle. These lands are very suitable for many forms of agriculture.

North of Rt. 1, sandstone, shale, argillite, and diabase underlie much of the area but many rich alluvial deposits can also be found. As one moves north, slopes progress from gently rolling hills to relatively steep hills and ridges. Generally in this part of the County, field crops such as corn and soybeans can be found on the lands with gentle slopes while greater slopes are better suited for pastureland and niche farming ventures.

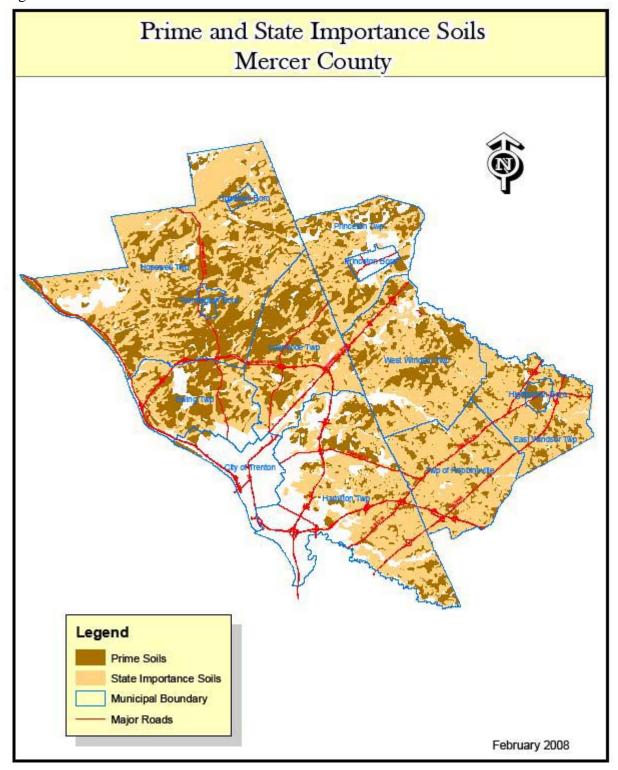
Agricultural Soil Types: Mercer County

The United States Department of Agriculture (USDA) classifies soils into several categories related to suitability for farming. The categories within the "Important Farmlands Inventory" in descending order of importance are: Prime, Statewide Importance, Local Importance, and Unique. The Prime and State Importance Soils Map (Figure 2, next page) identifies Prime and Statewide Significant soils throughout Mercer County.

Conveniently, Rt. 1 divides the County roughly in half in an E-W direction. North of Rt. 1, a broad band of alluvial deposits and Prime Soils exists up to the aptly named Sourland Mountains. South of Rt. 1, Prime soils are scattered; but there are significant quantities of Statewide Significant Soils.

Areas shown as white spaces on the map are densely developed, water and wetlands; or, can be soils of local, unique, or of no importance.

Figure 2



Mercer Municipalities:

As Table 1 illustrated, Mercer County has nine municipalities with Tax Assessed Farmland. To determine the area and type of agriculturally important soils being farmed within those municipalities, USDA soils and NJDEP 2002 Land Use Land/Cover Analysis "Agriculturally Active Land" data was combined to create Table 2.

Table 2. Agriculturally Important Soils, under Active Agricultural Land, within Municipalities with Tax Assessed Farmland

Total	Active	Prime	Statewide	Local	Unique	Non
Municipal	Ag	Soils	Soils	Importance	Soils	Agricultural
Acreage	Land	Acres	Acres	Soils	Acres	Land
	Acres			Acres		Acres
East Windsor	2,333	1,186	1,084	59	4	7,651
9,984 acres	23%	12%	11%	>1%	>1%	77%
Ewing	655	562	82	11	0	9,009
9,664	7%	6%	1%	>1%		93%
Hamilton	2,735	1,260	1,298	9	168	22,481
25,216	11%	5%	5%	>1%	>1%	89%
Hopewell B.	55	27	14	14	0	457
512	11%	5%	3%	3%		89%
Hopewell	10,212	5,909	3,700	603	0	26,908
Twp.	28%	16%	10%	2%		72%
37,120						
Lawrence	1,633	1,263	279	91	0	12,447
14,080	12%	9%	2%	1%		88%
Princeton	539	352	180	7	0	9,893
Twp	5%	3%	2%	>1%		95%
10,432						
Washington	3,764	1,695	2,020	28	21	9,484
13,248	27%	12%	15%	>1%	>1%	72%
West Windsor	2,723	1,307	1,186	140	90	14,429
17,152	16%	8%	7%	1%	>1%	84%
TOTALS	24,649	13,561	9,843	962	283	112,759
		55%	40%	4%	1%	

Source of Active Agricultural Land: NJDEP 2002 Land Use/Land Cover Analysis Source of Agriculturally Important Soils: USDA/NRCS/SSURGO

C. Number of Irrigated Acres and Available Water Resources

A number of waterways crisscross the County (e.g. larger ones being Assunpink Creek, Stony Brook, Crosswicks Creek, and Doctors Creek) and adjacent farms sometimes utilize them for irrigation purposes. In addition, a relatively abundant and high ground water table is found in most sections of the County making well water a viable option for farms not located on a waterway.

Utilizing US Census of Agriculture Data, Table 3 identifies the number of farms and number of irrigated acres for the past five censuses.

Table 3. Number of Irrigated Farms and Farm Acres over Time (US Census of Agriculture)

	2002	1997	1992	1987	1982
Farms	61	65	66	48	44
Acres	1100	880	1226	747	1003

Given the <u>total</u> number of farms and farm acres historically documented by the census for Mercer County (See Table 4), the irrigated farm and acreage figures indicate that irrigation has not been an important aspect of Mercer County's agriculture industry in recent history; although the apparently increasing number of farms under irrigation may indicate nursery operations that require more water than traditional field grains.

D. N.J. Farmland Assessment and U.S. Census of Agriculture: Statistics and Trends

1. and 2. Number of Farms, Farms by Size (actual, average, and median)

The most significant trend over time in Mercer County is the loss in farmland. Table 4 illustrates that 37% of "Land in Farms" over a 20 year time horizon has been lost – or about 750 acres per year.

Table 4: U.S. Census of Agriculture– Mercer County over Time

	2002	1997	1992	1987	1982
Farms (number)	304	285	296	309	302
Land in Farms (acres)	25,070	28,391	35,786	41,303	40,023
Average Size of Farm (acres)	82	100	121	134	133
Median Size of Farm (acres)	22	25	n/a	n/a	n/a
Estimated Market Value of Land and Buildings					
Average per Farm (dollars)	1,296,915	1,359,262	1,310,693	458,712	636,891
Average per Acres (dollars)	18,855	13,871	11,180	4,093	4,145
Market Value of Agricultural Products Sold (\$1,000)	12,247	13,255	15,879	13,956	11,857
Average per Farm (dollars)	40,286	46,510	53,647	45,164	39,261

Other significant and interesting trends from Table 4 are:

- That the number of farms over this 20-year time frame has remained constant; but farm size has significantly decreased.
- That while agricultural land and building values increased dramatically as it has throughout the state for agricultural and non-ag uses the "Market Value of Ag Products Sold" saw little change over 20 years.

Reinforcing the U.S. Census of Agriculture data, New Jersey Farmland Assessment historical data (see Tables 5 and 6) also identifies that over a comparable time period, similar amounts of assessed acreage was documented as lost. If this rate continues, in less than 20 years it is possible that few of today's approximately 28,669 acres of <u>unpreserved</u> farm assessed land will exist ("unpreserved farm" = Total FA-1 from Table 1, less today's inventory of approximately 6,000 acres preserved farmland).

3. Cropland Harvested, Pastured, Woodland, Equine, and Total for Agricultural Use

Table 5: New Jersey Farmland Assessment – Mercer County over Time

	Tax YR 2007	2000	1995	1990	1983
Cropland Harvested (acres)	16,809*	22,199	25,182	28,369	30,474
Cropland Pastured (acres)	2,186	1,995	1,752	2,159	1,691
Permanent Pasture (acres)	3,760	4,000	3,795	3,944	3,899
"Active Agriculture" Subtotal	22,755	28,194	30,729	34,472	36,064
Unattached Woodland (acres)	4,058	5,292	5,584	4,818	
Attached Woodland (acres)	5,584	7,696	8,508	9,442	12,563
Equine Acres	278	87	n/a	n/a	n/a
Total for Ag Use (acres)	32,675	41,269	44,821	49,101	48,642
Percentage Farmland Assessed	22.6%	28.5%	31.0%	34.0%	33.6%

Source: Tax YR 2007 Mercer County Taxation Office; other years SADC County Profile Template

NOTE: "Total for Ag Use (acres)" is less than the total land recorded for Farmland Assessment (see Table 1).

- * Cropland Harvested rounded 2007 acreage in orders of importance:
- 1) 12,500 acres of Field Crops Soybeans, corn for grain and silage, wheat, alfalfa, and rye
- 2) 2,500 acres of Nursery Trees and shrubs, Christmas trees, cut flowers, and sod
- 3) 1,000 acres in Vegetables Sweet corn, pumpkins, other vegetables
- 4) 1,000 acres in fruit and miscellaneous products (cover crops, tree nuts, etc.)

Mercer Municipalities:

Six of the County's 13 municipalities have **95%** of all farmland assessed lands in the County (see Tables 1 and 6). Portions of these six municipalities are now, and have historically been, the "targets" of the County's farmland preservation program. They are: East Windsor, Hamilton, Hopewell Twp., Lawrence, Washington, and West Windsor.

Although these municipalities also have lost significant farm acres over time, preservation activities by the County, the State and these local governments has enabled a solid viable base for the agricultural industry. The types of industry are discussed in the following chapter and the amount of preserved farmland by municipality can be found in the Appendix – both in the Preserved Farm Tables and in the Project Area Summary Forms sections.

Table 6: New Jersey Farmland Assessment over Time – Mercer's Six Farming Municipalities Total Acres for "Agricultural Use"

	Tax YR 2007	Tax YR 2001	Tax YR 1996	Tax YR 1991
East Windsor	2,724 ac	3,426 ac	4,358 ac	4,311 ac
Hamilton	3,729 ac	4,599 ac	5,312 ac	5,670 ac
Lawrence	1,923 ac	2,186 ac	3,166 ac	3,208 ac
Hopewell Twp	15,680 ac	19,475 ac	19,830 ac	20,768 ac
Washington	5,100 ac	6,276 ac	7,140 ac	7,810 ac
West Windsor	2,291 ac	4,486 ac	5,546 ac	5,808 ac
Total Acres	31,447	40,448	45,352	47,575
"Ag Use"				

Source: NJ Div of Taxation, Property Administration, Local Property, FA-1 (Farmland Assessment Form 1)

NOTE: Total Acres for "Agricultural Use" is less than the total land recorded for Farmland Assessment purposes (see Table 1).

Chapter II: Agricultural Industry: An Overview of Mercer County

Mercer County's early economy, like other New Jersey counties, was based on farming. The rise of the county's manufacturing industry in the late 1800's through the 1900's, diminished the prominence of agriculture, but farming remained an important component of the local economy.



Google Image; Farming

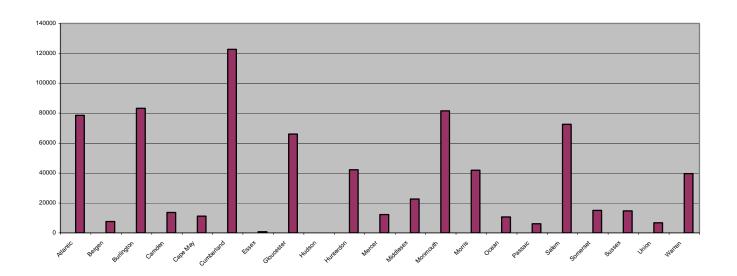
Statewide, farmland loss was significant during the later part of the 20th century, with 52% of New Jersey's farmland lost since 1950 according to the U.S. Department of Agriculture. While this loss largely took place prior to 1980, recent work by the Regional Planning Partnership, a consultant, on the County Master Plan documented that Mercer County experienced the second greatest loss of farmland in New Jersey between 1982 and 1987. Utilizing 2002 Census of Agriculture data, Table 7 shows that among the 19 New Jersey counties with a significant number of agricultural products sold (discounting Hudson and Essex Counties), Mercer County ranks towards the bottom.

Table 7: 2002 Census of Agriculture: Total Market Value of Agricultural Products Sold (\$1,000)

Atlantic	\$78,508	Gloucester	\$66,009	Somerset	\$15,064
Bergen	\$7,564	Hudson	0	Sussex	\$14,756
Burlington	\$83,253	Hunterdon	\$42,267	Union	\$6,750
Camden	\$13,638	Mercer	\$12,247	Warren	\$39,701
Cape May	\$11,251	Middlesex	\$22,703	Ocean	\$10,727
Cumberland	\$122,672	Monmouth	\$81,551	Passaic	\$6,074
Essex	\$737	Morris	\$41,879	Salem	\$72,522

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³ RPP.ENV.ELEMENT.MERCER.MP12.08.05; Paragraphs 3.1 and 5.0



In addition, utilizing 2002 Census of Agriculture data, Mercer County's average product market value of \$40,286 per farm fell well below the state-wide average value of \$75,561, despite County average farm size (81-acres) being similar to State-wide average farm size (82-acres).

A. Trends in Market Value of Agricultural Products Sold

The table below illustrates how Agricultural Product Value and Land in Farms trends for the County have fared between 1987 and 2002 as reported by the Census of Agriculture.

Table 8: Over Time: Total Market Value of All Agricultural Products Sold; and, Land in Farms (US Census of Agriculture)

	2002	1997	1992	1987
Market Val Ag	\$12,247	\$13,255	\$15,879	\$13,956
Products Sold				
(\$1000)				
Land in Farms	25,070ac	28,391ac	35,786ac	41,303ac

This downward market value trend is likely related to economic factors such as competition from other areas, low commodity prices, loss of land, and high production costs.

Despite the continuing loss of farmland acreage and declining overall market values, the Mercer County agricultural community remains an important part of the county's economy and a contributor to the state's farming industry. Census data shows that in certain sectors, the County ranked:

- 10th Statewide¹ for the number of equine facilities and 9th Statewide for equine sales²;
- 10th Statewide for sale of vegetables² (primarily sweet corn and pumpkins); and
- 6th Statewide in sale of grains² (*primarily corn and soybeans*).

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¹ USDA/NASS New Jersey Equine Industry Survey - 1997

² USDA/NASS 2002 Census of Ag - Value of sales

In addition, Mercer County farmers' ability to respond to changes in the marketplace has contributed to the overall economic health of the agricultural industry in Mercer County. Evidence of this is the growing number – and increasing size – of farm stands and farmers markets, plus, growth in niche agriculture sectors like wineries and organic farms. Hopewell Township is not only home to one of two wineries in Mercer County but also to a Community Supported Agriculture farm (Honey Brook) which is reputed to have the largest membership in the nation.

B. Crop Production Trends over the Last 20 Years

Table 9 illustrates how traditional field crop (corn for grain, soybeans, wheat, and rye) acreage has dramatically been reduced over the past 20-years (over 50%). This is likely because these larger farm lands are most sought after by housing and commercial developers. Cover crops and vegetable acres have also decreased by nearly 50% but their overall acreage was much less to begin with.

On the other hand, Table 9 shows increases in:

- Nursery acres (trees, sod, ornamentals), after a nearly 10-year decline, have rebounded; probably from the increased landscaping needs of suburban office and housing development on former farmland;
- Equine acres also include boarding horses and lessons and there are quite a number of farms in Mercer County and especially the Hopewell Valley that provide that service. There are also several outstanding equine trainers and breeders in Mercer County with three in Hopewell Township (including two preserved farms) and two farms (also preserved) in East Windsor.
- Fruit, berries, and grape acres are also steadily increasing and this reflects an increase in pick-your-own operations, wineries (one in Hopewell and one in Washington) and oriental products (especially Asian pears) of which there are two farmers in Mercer both on preserved farms.

Table 9: New Jersey Farmland Assessment – Mercer County Over 20 Years

Crop Sectors*	2004	2003	2002	2001	2000	1995	1990	1983
Total Field Crops (acres)	13,714	13,855	14,896	15,687	17,921	20,157	21,768	24,962
Total Cover Crops (acres)	247	175	276	273	302	595	381	421
Equine Acres	136	108	100	76	87	n/a	n/a	n/a
Total Fruit (acres)	251	212	129	114	209	159	160	176
Total Berries (acres)	30	19	20	22	45	23	53	61
Grapes (acres)	41	38	18	7	15	1	1	1
Total Nursery (acres)	2374	2112	2174	2053	1706	2005	2439	2521
Total Vegetables (acres)	1027	1000	1087	1089	1323	1296	1064	1711

^{*}Not all sectors shown

C. Support Services within Market Region

Within Mercer County, there are few support services for the agricultural industry. In fact, Tri County Auction in East Windsor, a traditional auction house that hosts a

produce auction three nights a week, is the only existing wholesale market support for the industry in Mercer County. When asked where they get agricultural inputs (seed, fertilizer, etc) local farmers say they go to Grow Mark in Burlington County, Farmers Brokerage and Supply in Monmouth County, and the Plant Food Company in Middlesex County.

For equipment purchases, local farmers go to Pole Tavern Equipment and Sales in Salem County, Farm-Rite in Cumberland County, and Hoober in Intercourse, PA. However, Mercer County's farmers have become very adept at minimizing the need for many repair services by fixing many mechanical problems themselves. In doing so, they rely heavily upon mail order and out-of-state retailers for their equipment parts.

When asked where they bring their agricultural products, growers of the vastly predominant field crops (see Table 9) like corn for grain, soybeans, and wheat go to Purdue and Grow Mark in Burlington County and also into Pennsylvania. Vegetable farmers, of which sweet corn and pumpkins are the dominant products, sell direct to the consumer from their farms and also to supermarkets and roadside stands.

Rutgers Cooperative Extension of Salem County has a very good website for farmers to find suppliers, services and many other resources. The website is: http://salem.rutgers.edu/greenpages/index.html

The two county Asian specialty crop farmers indicate that northern New Jersey and New York City are their markets. In addition, the Trenton Farmers Market provides a daily year round direct marketing outlet for farmers – as it has been doing since the 1930's. However, the number of participating farmers is limited by the Market's member's rules.

There are also a growing number of smaller but viable weekly farmer's markets appearing around the county on both public and privately owned lands. These Farmers Markets are further discussed in <u>Chapter 6</u>.

D. Other Agricultural Related Industries

There are no other industries directly related to agriculture in Mercer County; however, many business' in Mercer County such as landscapers, restaurants, liquor stores, supermarkets, and schools buy locally produced agricultural products.

One school in particular, The Lawrenceville School, a private four-year boarding school, has made significant strides towards providing student and staff meals with food purchased locally – such as fruits from Terhune Orchards in Lawrence and vegetables from Sandy Acres in East Windsor.

http://www.nais.org/search/idea.cfm?itemNumber=147487&mn.ItemNumber=8577&sn.ItemNumber=148930&tn.ItemNumber=149096

Chapter III:

Land Use Planning for Agriculture

A. State Development and Redevelopment Plan



Google Image: Cluster Development

The New Jersey State Development and Redevelopment Plan (SDRP), adopted in 1992 and updated in 2001, strongly supports the preservation of agriculture and recognizes the fact that farming not only contributes to the state's economy but to the quality of life. The promotion and the preservation of agriculture is a major goal of the SDRP as identified by 15 separate statewide agricultural policies to be used by state, county and local agencies in their planning and decision-making processes. The application of these statewide policies through a framework called the Resource Planning and Management Structure forms a balanced approach to preserving agriculture in the state.

The Resource Planning and Management Structure identifies "centers" and "planning areas."

Centers are defined by the SDRP as "compact forms of development that are desirable and necessary to assure efficient infrastructure and protection of natural and environmental resources in the various regions of the state." Five types of centers are identified by the SDRP based on varying levels of population, employment, density, housing and infrastructure: Urban Centers, Towns, Regional Centers, Villages and Hamlets.

Planning areas are defined by the SDRP as "regions of the state within which there are critical natural and built resources that should by either protected or enhanced in order to achieve the goals of the State Planning Act." Planning areas are geographically delineated to reflect the state's varying levels of development, infrastructure capacities and presence of natural resources.

In the 2001Plan, Mercer County contains the following state designated planning areas:

Planning Area 1 – Metropolitan

Planning Area 2 – Suburban

Planning Area 3 – Fringe

Planning Area 4 – Rural

Planning Area 4B – Rural/Environmentally Sensitive

Planning Area 5 – Environmentally Sensitive

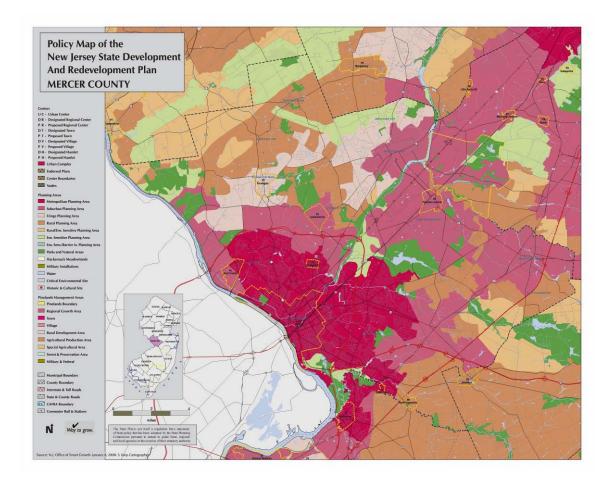
Mercer County municipalities designated as centers with endorsed plans are:

Hopewell Borough

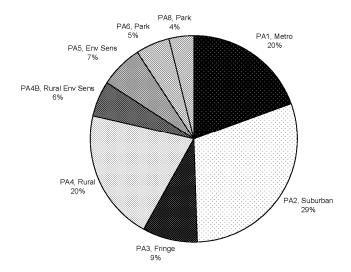
Village Center

Princeton Boro and Twp. Regional Center
Hightstown Town Center
Washington Town Ctr. Town Center
Trenton Urban Center

Figure 3: Adopted Mercer County Planning Areas and Centers: 2001 Policy Map

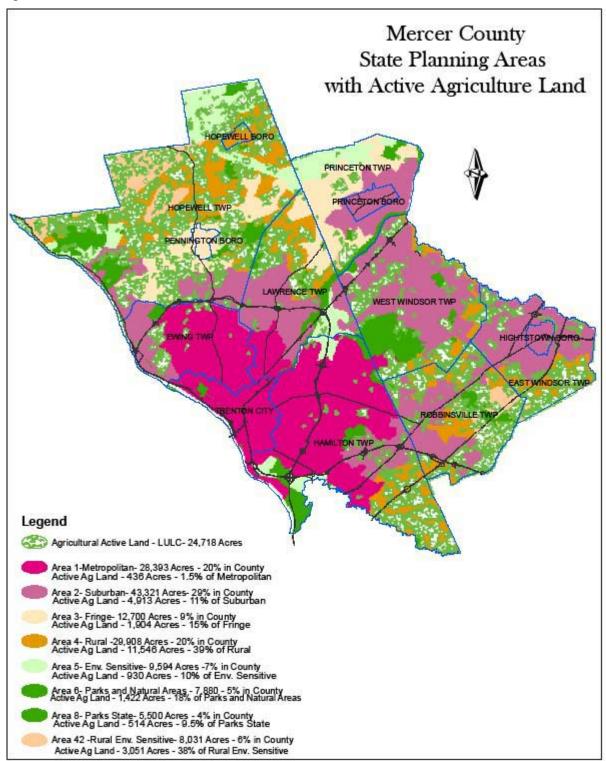


The following chart illustrates the percentage of the County within each Planning Area:



The following figure illustrates the acreage of active agriculture (2002 NJDEP LULC data) in each Planning Area.

Figure 4



The County's Town and Village Centers have been addressing the development pressures in surrounding fringe and rural planning areas primarily through the county and state open space and farmland acquisition programs.²

The Town and Village Centers in Mercer County, such as the historic boroughs (Hightstown, Pennington, Hopewell Borough), do not have jurisdiction over the lands which surround them. As such, the only tool available to them to protect their environs is the purchase of land for open space or agricultural use. Washington Township created an innovative Town Center with the express intent that the center would absorb most of the demand for growth into the future. Voluntary TDR-type arrangements, combined with land purchase and down-zoning, have been utilized to minimize growth in the outlying areas. Hopewell Township completed a comprehensive study of water capacity to support a significant down-zoning effort in 2002. That effort, combined with the identification of "municipally identified hamlets" in the Valley Resource Conservation zone, fosters the use of their Noncontiguous Cluster Development Ordinance to direct development away from the more rural and environmentally sensitive areas of the community. Again, this effort is paired with an aggressive land acquisition program. The two "donut-hole" boroughs of Hopewell and Pennington cooperate and contribute to land preservation outside their borders in conjunction with Hopewell Township. East Windsor, West Windsor, Hamilton and Lawrence Townships all have utilized a land acquisition method to direct or discourage growth. Both West Windsor and Lawrence have been buying land for so long that little developable land remains available in the more rural or environmentally sensitive areas.

The SDRP states that, "New development should be guided into Centers to preserve open space, farmland and natural resources and to preserve or improve community character, increase opportunities for reasonably priced housing and strengthen beneficial economic development opportunities." Efforts are underway to establish transit villages in Hamilton and West Windsor Townships, both of which may absorb growth which might otherwise occur in Planning Areas 4 and 5. Elsewhere in Mercer County, Washington Town Center, existing boroughs and the potential of "municipally identified hamlets" in Hopewell Township are the other center-based development opportunities.

B. Special Resource Areas

There are no Special Resource Areas within Mercer County. However, the County of Mercer supports the lead agency efforts of the Sourlands Regional Planning Council and the Mercer County municipality of Hopewell Township to create a Sourlands Special Resource Area (Figure 5) that would encompass part of northern Hopewell Township in Mercer County as well as municipalities in adjacent Hunterdon and Somerset Counties. Portions of this Area are within the County's ADA and the County's Hopewell Project Areas as well as Hopewell Township's own PIG area.

The Sourlands Regional Planning Council is a nonprofit group, dedicated to the protection and preservation of the 90-square-mile Sourlands region, which has been spearheading

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² Mercer Exec summary draft preliminary plan_02_07_06Complete.doc Page 14

efforts to preserve the ecological integrity, historical resources, and special character of the Sourlands and has been supported by State Smart Growth Grants.

Later in 2008, a preliminary comprehensive regional management plan will be presented to the seven municipalities (Hillsborough, Montgomery, East Amwell, West Amwell, Hopewell Township, Hopewell Borough and Lambertville) and three counties (Somerset, Hunterdon and Mercer) that share the Sourlands.³

That Plan will identify strategies to preserve the Sourlands including acknowledging the importance of preserving agriculture on Prime farmland while discouraging or preventing agriculture where it will damage sensitive ecosystems or overstress limited water supplies.⁴

HILLSBOROUGH RARITAN TWP HUNTERDON EAST COUNTY ESOURLAN AMWELL SOMERSET COUNTY DELAWARE TWP MONTGOMERY TWP LAMBERTVILLE HOPEWELI WEST AMWELL BORO PRINCETON TWP TWP MERCER HOPEWELL COUNTY TWP

Figure 5: The Sourlands

Source: http://www.sourland.org/maps/maps.html

C. County Master Plan (current and proposed) and Development Regulations

Current Master Plan

The current Mercer County Growth Management Plan (1986) has two goals related to Agricultural Development: 1) Reserve and protect sufficient land to support agricultural activities, and 2) Encourage and support a viable agricultural economy. The Plan divided the County into two general growth management areas, Growth Areas (Urban, Regional and Suburban) and Limited Growth/Agricultural Areas. Most lands designated by the CADB in its 1985 Agricultural Development Area map fell into the Limited Growth/Agricultural Area.

³ Courier News article, Michael Deak http://www.c-n.com/apps/pbcs.dll/article?AID=/20080225/NEWS/802250314

⁴ Smart Growth Planning and Management Project for the Sourland Mountain, (Final report) p.12

The Plan articulated several policies for the Limited Growth/Agricultural Area, including limiting growth-inducing infrastructure, encouraging the use of cluster and village development patterns, limiting non-residential development to local retail and service uses and limiting expenditure of public funds for farmland preservation to this Area. The Plan went on to say that prime agricultural soils should be preserved in appropriate areas and that agricultural land is an important cultural resource, deserving of protection. The Plan also identifies existing Village Centers and a desire to protect the boundaries of the centers via parks and cluster development.

Maps 1 and 2 of the 1986 Plan (which are not replicable but are viewable in the County Planning Office) depict the changes projected in the four growth areas defined in the Plan (Urban, Regional, Suburban and Limited Growth/Agricultural) with Map 1 projecting to 1990 and Map 2 projecting to the year 2000. It is noteworthy that the Limited Growth/Agricultural Areas as projected are fairly consistent from 1990 to 2000 and are generally consistent with the actual growth patterns experienced in those areas of the County.

The County's 1986 Growth Management Plan recognizes the importance of preserving agricultural lands and limiting growth-leading infrastructure — each of these being within the jurisdiction of the County. The Plan encourages the use of zoning and other innovative techniques (such as clustering) by municipalities to minimize the intrusion of development into valuable agricultural areas.

As indicated above, the 1986 Plan's Limited Growth/Agricultural Areas also served as a measure for the CADB's 1985 ADA map. Interestingly, and reflecting the Limited Growth/Agricultural patterns consistency statement made above, the CADB's comprehensive revision of the ADA that was submitted concurrently with this Draft Comprehensive Farmland Preservation Plan also is a reasonable reflection of the 1990 and 2000 land use projections. The revised ADA is discussed in further detail in Chapter IV.

Proposed Master Plan

The proposed County Master Plan will provide Mercer's municipalities with regional analysis of the current and future state of the county's transportation, economic, and environmental systems. These regional systems are the infrastructure that support land use within the county. The Plan sets forth a method for developing consensus among the municipalities on development and redevelopment goals for land use.

During consensus-building, also known as the Regional Action Plan (RAP), municipalities will be introduced to indicators that will be used to measure how well the region is meeting its goals for future development. Municipalities will be able to include existing and proposed preserved open space and farmland as attributes to the indicators.

The County may participate in the SDRP plan endorsement process in anticipation of an endorsed final Master Plan. During this process, pursuant to the State Planning Rules at NJAC 5:85-7, the State Planning Commission is charged with finding consistency of local, county, and regional plans with the State Plan. According to the State Planning Rules, entities that receive plan endorsement are entitled to priority for funding, coordination of planning with other agencies in meeting unique needs of the entity

seeking endorsement, expedited permit review, and eligibility for approval of State Plan Policy Map amendments in order to implement regional and local growth management policies. ¹

D. Current Land Use and Trends

Current Land Use

Today, Mercer County contains few areas that resemble the agricultural landscape of its past. Suburban development with increasingly larger homes on larger lots is what one currently and predominantly finds in the outer suburban rings surrounding Trenton. In the vicinity of Interstate interchanges, business parks and warehouse construction have occurred on former farmland. The County's agricultural areas, described in Chapter I as six out of 13 municipalities with 95% of all farm assessed land, are now relegated to shrinking farm belts in Hopewell Township to the north, and the southeasterly portions of Hamilton, East Windsor, and Washington Townships (Rt. 130/NJTPK corridor). A smaller, but nonetheless significant, concentration also occurs within north Lawrence Township and in West Windsor near Mercer County Park/Community College. The Urban Land Cover illustrations displayed on the next page illustrate the breakdown of land uses in Mercer County as of 2002 and over time.

Trends

As identified in Chapter I, Table 4, the U.S. Census of Agriculture in 2002 identified 25,070 acres of land in farms in Mercer County. This is comparable to New Jersey Department of Environmental Protection Land Use/Land Cover data of 24,719 agricultural acres for the same year – as shown in Table 10b. Trends, as illustrated by the DEP data in Tables 10a and 10b, show the largest change in land use in Mercer County between 1986 and 2002 occurred through the conversion of farmland to urban lands. Total land in farms decreased 34% during that time (according to the NJ Department of Agriculture, Mercer County experienced the second greatest loss of farmland in New Jersey between 1982 and 1997(footnote 2). This conversion of farmland, usually into single-family residential, is further illustrated by Figure 6 (unshaded areas of the map are predominantly preserved open space, wooded or wet areas, and farmland – preserved and unpreserved).

Additional trend indicators follow Table 10 and Figure 6.

¹ MercerExecsummary_draft preliminary plan_02_07_06Complete.doc (Page 10)

^{2.} plan_premasterplanwithapp[1]12.14.07.pdf, p. 141

Table 10a: Change in Mercer County Land Use 1986 to 1995

000 1700 10 1770								
	NJDEP 1986	NJDEP 1995/97	Change 1986- 95/97	% Change				
Agriculture	37,587	29,882	-7,705	-20%				
Barren Land	1,532	1,475	-57	-4%				
Forest	26,484	27,257	774	3%				
Urban Land	52,506	60,139	7,633	15%				
Water	2,816	2,931	115	4%				
Wetlands	25,495	24,737	-758	-3%				

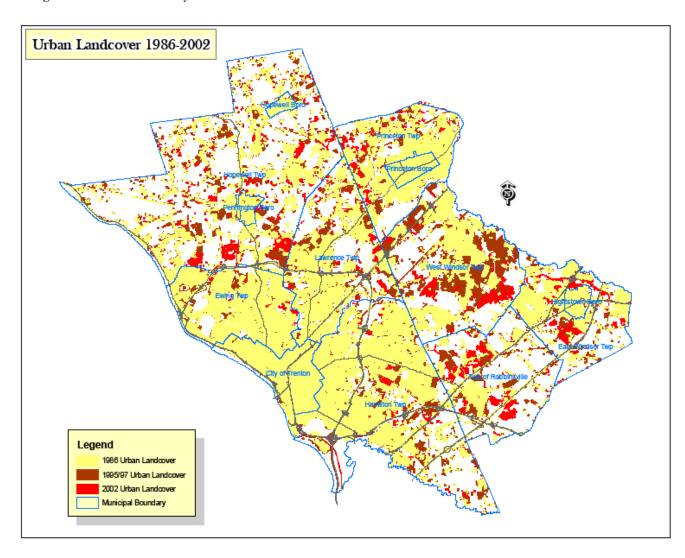
DEP Note: The 1995/97 values are revised to match the 2002 imagery and will differ slightly when compared to the 1986-1995/97 data analysis

Table 10b: Change in Mercer County Land Use 1995 to 2002

	NJDEP 1995/97*	NJDEP 2002	Change 1995- 2002	% Change
Agriculture	29,235	24,719	-4,516	-15%
Barren Land	1,489	1,981	492	25%
Forest	27,614	27,071	-543	-2%
Urban Land	60,303	65,754	5,451	8%
Water	3,193	3,321	128	4%
Wetlands	24,586	23,574	-1,012	-4%

Source: http://www.nj.gov/dep/gis/lulc2002stattablescounty.htm

Figure 6: Mercer County over Time:



Another trend indicator of farmland loss is how Mercer County's population growth in the suburban (agricultural) townships of West Windsor, Hopewell, Lawrence, and Washington swelled. This is evident by the following population growth table (Table 11). It is interesting to note that within the previously identified farm belt municipalities of the Hopewell Valley and the Rt. 130 corridor as identified below, the 39% population increase from 1980-2000 echoes the 35% reduction in farmland identified in Tables10a and 10b.

Table 11

Mercer County: Populat		,,										
	Area (sq.	2000 Pop	Population					Change 1950-2000		Change 1980-2000		
	mile)	Density	1950	1960	1970	1980	1990	2000	#	%	#	%
	45.00	4.504	1.001	0.000	44.700	04.044	00.000	24.040	00.005	104407	0.070	100
East Windsor Township	15.86	1,591	1,284	2,268	11,736	21,D41	22,353	24,919		1B41%		18%
Hightstown Borough	1.24	4,206	3,712	4,317	5,431	4,581	5,126	5,216		41%		14%
Washington Township	20,47	502	1,843	2,156	3,311	3,487	5,815	10,275		458%		
Route 130 Area	37.37	1,081	6,839	8,741	20,478	29,109	33,294	40,410	33,571	491%	11,301	39%
Ewing Township	15.34	2,328	16,840	26,628	32,831	34,843	34,185	35,707	18,867	112%	865	2%
Hamilton Township	39.45	2,208	41,156	65,035	79,609	82,801	86,553	87,109	45,953	112%	4,308	5%
Lawrence Township	22.14	1,317	8,499	13,665	19,567	> 19,724	25,787	29,159	20,680	243%	9,435	48%
Inner Suburbs	76.93	1,975	66,495	105,328	132,080		146,525	151,975		129%		11%
						1				¥		
Hopewell Borough	0.69	2,949	1,869	1,928	2,271	2,001	1,968	2,035		9%		2%
Hopewell Township	58.13	277	4,731	7,816		10,893	11,590	16,105		240%		48%
Pennington Borough	0.96	2,808	1,682	2,063	2,151	2,109	2,537	2,696		60%	.70000	28%
Hopewell Valley	59.78	349	8,182) 11,809	14,452	15,003	16,095	20,836	12,554	152%	5,833	39%
Princeton Borough	1.B4	7,719	12,233	\$ 11,890	12,311	12,035	12,018	14,203	1,973	16%	2,168	18%
Princeton Township	16.39	1878	5,407	10,411	13,651	13,683	13,198	16,027	10,620	196%		17%
West Windsor Township	26.01	(2)X2	2,519	4,016	6,431	B,542	16,021	21,907	19,388	770%		156%
Princeton Area	44.24	1,179		26,317	32,393	34,260	41,235	52,137	31,981	159%		52%
Trenton City	7.65	11,164	120,009	114,167	104,786	92,124	88,675	85,403	-34,606	-29%	-6,721	.7%
Mercer County	225.96	1,552	221,781	266,362	304,116	307,863	325,824	350,761	128,980	58%	42,898	14%
	7,417.00	1,134		ACCORDING NO COLOR DE	7,171,112	The second secon	7,747,750	CONTRACTOR AND ADDRESS OF	Mary Street, Mary Street, Stre	A	1,049,339	

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Another indicator of farmland loss is illustrated in Table 12. The tremendous increase in residential building permits since 1990 within the suburban municipalities of Washington, West Windsor, and Hopewell Township(the earlier identified shrinking farm belt areas) further testifies to the single-family sprawl that has been swallowing-up Mercer's, and New Jersey's, farmland.

Table 12: Housing Units and Residential Building Permits by Municipality

Mercer County	Housing Units	Housing Units Increased by Res. Bldg. Permits	Housing Units Increased by Res. Bldg. Permits	Percentage Increase 1990-2006
	1990	1990-1998	2000-2006	
Washington township	4,163	5,902	6,688	60.65%
West Windsor				
township	7,450		10,712	
Hopewell township	5,629		8,079	
Lawrence township	11,180	12,656	13,782	23.27%
East Windsor				
township	9,880	10,638	11,582	17.23%
Princeton township	6,224	7,073	7,428	19.34%
Hamilton township	34,535	36,051	38,378	11.13%
Ewing township	12,924	13,175	13,966	8.06%
Hightstown borough	2,081	2,101	2,177	4.61%
Hopewell borough	836	857	869	3.95%
Princeton borough	3,495	3,519	3,576	2.32%
Pennington borough	1,040		1,061	2.02%
Trenton city	33,843	33,996	34,052	0.62%

Source: NJ Dept. of Labor and Workforce Development:

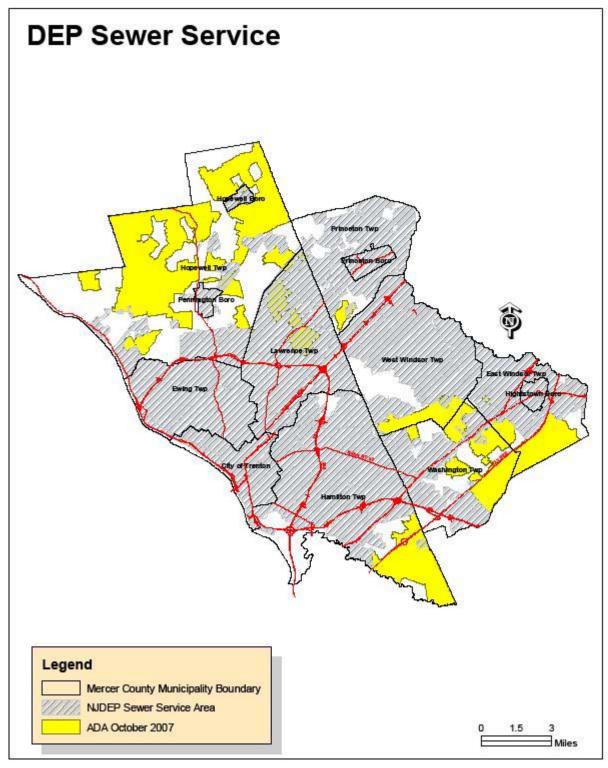
http://www.wnjpin.state.nj.us/OneStopCareerCenter/LaborMarketInformation/lmi18/index.html

E. Sewer Service Areas / Public Water Supply Areas

Sewer Service Areas

On the next page, a map of DEP identified sewer service areas overlaid on the ADA is illustrated in Figure 7. Sewer service areas identify planning areas for wastewater management, they are not illustrative of existing sewer pipes. It is important to note that where the ADA overlaps sewer service areas (predominantly in north Lawrence Twp.), the County of Mercer, through the State Development and Redevelopment Guide Plan Cross-Acceptance process with local municipalities, has identified where sewer lines are not in the ground. In north Lawrence Township's largely preserved agricultural area, there are no pipes servicing existing development either now or for the foreseeable future. We also note that throughout the County's ADA, given an ever increasingly stringent State regulatory environment, current zoning practices, and public sentiment, it is unlikely that new pipes will be laid anytime in the foreseeable future.

Figure 7: DEP Sewer Service and Mercer ADA



Source: http://www.state.nj.us/dep/gis/stateshp.html#SSA

Public Water Supply Areas

The Trenton Water Company supplies water from the Delaware River to the majority of residents in Mercer County – serving Trenton, plus parts of Ewing, Lawrence, and Hopewell and Hamilton townships.⁴

Pennington and Hopewell Boroughs have their own water companies and provide water almost exclusively to residents only. Additional companies providing water to much of Mercer County are: United Water; New Jersey American Water; Garden State Water; East Windsor MUA; and Lawrenceville Water. Although no County-wide map exists of these companies water supply pipes, they are seldom found in the agricultural areas that have been targeted by the County, and, the likelihood that they will be extended is remote – especially given the amount of existing preserved farms within those Project areas and for reasons similar to those expressed in the preceding sewer service area section.

F. Municipal Master Plans and Zoning - Overview

Because only six of Mercer County's 13 municipalities have significant farmland acreage (95% of all tax qualified farmland), only those municipal Zoning Ordinances and Master Plans were reviewed. The six municipalities are: East Windsor, Hamilton, Hopewell Twp., Lawrence, Washington, and West Windsor.

Master Plan Overview

The six municipal Master Plan (MP) reviews in this "Overview" all express a desire to balance historical agricultural activity with social, economic and physical characteristics of each municipality.

East Windsor MP

Identifies as a "Local Economy Goal and Objective", the continuation of farming as part of an agriculturally related economic base.

Hamilton MP

Identifies the Goal to Preserve and Enhance the Social and Ecological Environment with an Objective of Preserving farmland. [01.15.2003 letter re: Master Plan Re-Examination Report]

Hopewell Township MP

Identifies six specific agricultural objectives under the Goal of Resource Conservation and Protection. These are also found within the Master Plan Farmland Preservation Element.

Lawrence MP

Identifies the Land Use Goal objective to "Preserve undeveloped open space, maintain agricultural activities and the rural landscape in appropriate locations, and promote the visual enjoyment of the land."

⁴ RPP EnvElementMercerMP12 08 05.doc chapter 7.1.3

Washington MP

Identifies the "Goal to protect the rural character, the rural quality of life, and the cultural heritage of the Township" and an objective of providing an environment where farming can continue as a viable economic activity. Like Hopewell Township, this Master Plan also has a Farmland Preservation Element.

West Windsor MP

Identifies the "Goal of achieving a desirable balance of non-residential, residential, open space and agricultural uses" and Policies of farmland protection and preservation. Like Hopewell and Washington Townships, West Windsor also has an Agricultural Preservation Plan Element and an Agricultural Advisory Committee with a member of that sits on the CADB as a farmer member.

Zoning Overview

1. General Lot Size Categories and Distribution by Municipality

The County of Mercer does not have a county-wide zoning data base that can identify the size and distribution of municipal zoning. However, the County Planning Division can state that using the general lot size categories identified in the SADC farm plan guidelines, most local zoning in these six municipalities are either:

- "Small" lot (less than 1 acre lots with water and sewer), or
- "Medium" lot (greater than 1 acre but less than 5 acres with septic and well).

There are two exceptions to this county-wide generalization. Hamilton and Hopewell Townships in addition to "small" and "medium" lot zoning also have "large" and "very large" lot zoning. They are:

- "Large" lot (between 5 and 10 acre) zoning in Hopewell Township's VRC Zone, and Hamilton's RRC zone
- "Very Large" lot (over 10 acre) zoning in Hopewell Township's MRC zone.

The following table illustrates the area of these "large" and "very large" lot zones within each municipality while the maps on the next two pages illustrate the ADA as it relates to these zones. (Related Ordinances can be found in the Appendix under Municipal Zoning: Hamilton and Hopewell Twp.)

Municipality	Zone	Acres	Area of Zone	Percent of
		Per D.U.		Municipality
Hamilton	RRC	+6ac	5,029 acres	23%
Hopewell	VRC	+6	16, 904 acres	46%
Hopewell	MRC	+13	13, 207 acres	36%

Figure 8

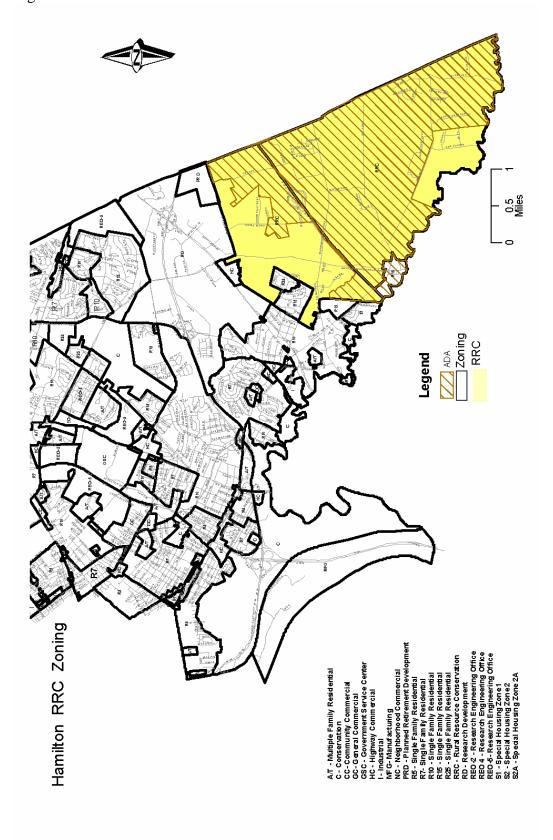
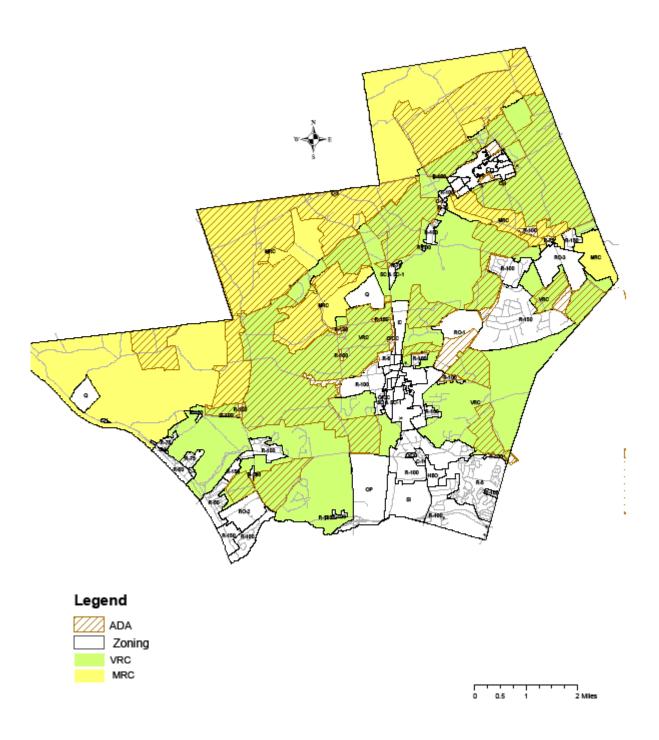


Figure 9

Hopewell VRC/MRC Zoning



2. Innovative Planning Techniques

Table 13 on the next page identifies techniques that are enabled by ordinances in Mercer's six municipalities with significant farmland. They include:

Cluster Zoning – Residential cluster development is a form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses. Cluster development has a number of distinct advantages over conventional subdivision development. A well-planned cluster development concentrates dwelling units on the most buildable portion of the site and preserves natural drainage systems, vegetation, open space, and other significant natural features that help control stormwater runoff and soil erosion. Later savings can be realized in street and utility maintenance (less surface area that needs repaving and fewer feet of water and sewer line to maintain). Clustering also enhances the sense of community, allowing parents better supervision of children playing in common areas and promoting social interaction among neighbors.

Non-Contiguous Cluster Zoning — Noncontiguous parcel clustering is a planning technique under New Jersey's Municipal Land Use Law that allows one parcel to be preserved while its density is transferred and developed instead on a different, noncontiguous parcel. This technique, first authorized in 1996, allows a municipality to approve "planned developments" consisting of two different parcels, where the "sending area" parcel is preserved, for example, as farmland or open space, and the "receiving area" parcel is developed at a higher than otherwise normally permitted density. The development rights from the "sending area" parcel are transferred to and combined with the existing development rights at the "receiving area" parcel. The different parcels may be miles apart. Noncontiguous parcel clustering is potentially simpler than TDR programs, as balancing between the transferable development potential of a multiple-owner sending area or areas and the available density that may be accepted in a multiple-owner receiving area or areas is not required. Instead, the density transfer under this technique is a comparatively simpler transaction involving only a few, or even two, parcels.

Transfer of Development Rights - Transfer of Development Rights (TDR) is a municipal planning and preservation tool offering communities a way to protect agricultural, historic or environmental resources while accommodating the needs for growth. TDR is a realty transfer mechanism permitting owners of "sending area" land to separate the development rights of their property from the property itself and sell them for use elsewhere. Developers who purchase these "development credits" may then develop "receiving areas" deemed appropriate for growth at densities higher than otherwise permitted. Once the development rights of a property are sold the land will be permanently restricted from further development. TDR is also an equity protection mechanism that, unlike traditional zoning, enables "sending area" landowners to potentially be compensated for reductions in development potential. When well-designed, TDR can provide benefits to landowners, developers and municipalities. With TDR, towns preserve their open lands at far less cost than outright purchase. Growth is directed to places where it can enrich community and regional growth.

<u>Lot Size Averaging</u> - Lot size averaging is a simple method to permit flexibility in lot size on a parcel of land. This is an effective technique for smaller parcels (10-20 acres) that are proposed for subdivision where flexibility in lot size may help to preserve resources. The overall density remains the same. Only the lot sizes vary. http://www.state.nj.us/agriculture/innovativeconservationplanning.pdf

Planning Techniques: Use of Mandatory vs. Voluntary Options Table

Table 13: Innovative Planning Techniques

	East Windsor	Hamilton	Hopewell Twp	Lawrence	West Windsor	Washington
Cluster	X	X	X	X	X	X
Non-						
Contiguous	-	-	X*	-	-	-
Cluster						
Lot Size	X	X	X	X	X	X
Averaging	Λ	Λ	Λ	Λ	Λ	Λ
TDR	-	-	-	-	-	X***
Mandatory	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary
vs.	Clustering	Clustering	Clustering	Clustering	Clustering;	Clustering
Voluntary	_		and Non-	and	_	and TDR
			Contiguous	Transfer		
			Clustering	of		
				Credits**		

^{*} Allows non-contiguous clustering in VRC zone by transfer of development potential from the MRC and VRC zones (See Appendix/ Hopewell Zoning/Sect. 17-160 a. 4.(j)

3. <u>Development Pressures and Land Value Trends</u>

Development pressures are significantly affecting the County's six farming municipalities as historically illustrated earlier in this report* Developers of predominantly single-family subdivisions vying for the remaining developable (farm) land in these municipalities are forcing up farm values.

By utilizing recent farm preservation appraisals, Washington Township can be used as an illustrative example of ever increasing farmland values caused by development pressure.

^{**} Allows transfer of development potential from EP-1 and EP-2 agricultural zones to Regional Commercial zone for increased commercial density. (See Appendix/ Lawrence Zoning)

^{***}Allowed TDR from RA zone to Town Center zone and although utilized by the Township, it was found to be illegal. (See Appendix/ Washington Zoning)

^{*} See Chapter I, Tables 4, 5, and 6; for Agricultural Census and Farmland Assessment data illustrating the decreases in farm acreage; see Chapter III, Figure 6 for an illustration of the paths of development over time through Mercer County

As documented in Table 2, Washington, along with Hopewell Township, has the highest percentage of agricultural land in Mercer County. Washington also has the greatest number of building permits recently issued (see Table 12).

For the Farmland Preservation Program, two appraisal reports are generated for a farm under consideration and each report utilizes at least four comparable sales to determine values, thus, appraisal reports are well suited for this example. Furthermore, each report is reviewed by the SADC and "before", "after", and "certified easement" values are produced. The "before" and "certified easement" values for the preserved farms illustrated in Table 14 shows how values have increased in the recent past.

Table 14: Washington Township, Recent Preserved Farm Easement Values

		E	BeforeValue	Certified Easement Value
2002				
Hall	109	\$	88,500/ac	\$4,900/ac
2003				
Bresnahan	72	\$	9,100/ac	\$5,000/ac
2004				
Dyjak	49	\$	19,000/ac	\$15,000/ac
2006				
U-Pick	55	\$	59,000/ac	\$53,600/ac
2007				
Tindall Greenhouses	79	\$	640,000/ac	\$31,000/ac
Updike	140	\$	674,000/ac	\$67,000/ac

G. Discussion of Municipal and Regional TDR Opportunities

Municipal TDR Opportunities

As identified in the previous Innovative Planning Techniques Table 11, only Washington Township has attempted TDR although Hopewell and Lawrence Townships have taken preliminary steps by allowing density transfers.

Hopewell Township

Has a process for transferring density from the VRC and MRC zones to village centers in the VRC zone as a non-contiguous cluster option. As of this date, this tool has not been used.

Lawrence Township

Has a process for transferring density from a rural agricultural zone (Environmental Protection 1 and EP 2) to increase floor area ratios within the Regional Commercial zone (Quakerbridge Mall area).

Washington Township

Has a process for transferring development rights from a rural zone (Rural-Agriculture) to an existing Town Center zone. As of this date, this tool has been used only once by the Township and development rights on 143 acres were transferred. However, although the sending area land was, and continues to be, farmed, the municipality has not restricted it to agricultural use and indeed, is considering some of the land for playing fields. Interestingly, the procedures as followed by the Township were determined to be a misuse of the State's TDR enabling legislation.

Regional TDR Opportunities

Within Mercer County, the Sourlands Conservation and Open Space Plan currently under development may identify areas as potential TDR sending zones while areas along a proposed Rt. 1 Bus Rapid Transit line could provide receiving zones.⁵

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⁵ RPP EnvElementMercerMP12 08 05.doc Chapter 10.2.5

Chapter IV:

Mercer County Farmland Preservation Program – Overview



Gallo/Sciarratto Preserved Farm, Hopewell Twp.; Dan Pace

The goals of the Mercer County Farmland Preservation Plan are to guide Mercer County's efforts to:

- Preserve its remaining viable agricultural land; and,
- Enhance and protect its agricultural industry.

A. Agricultural Development Area (ADA)

1. Designation Criteria

Agricultural Development Areas serve as the general focus for the county's preservation efforts. They are areas in which agriculture is the preferred land use. Farms must be in an ADA to be eligible for any of the State Agricultural Development Committee's farmland preservation programs. In addition, any public body or public utility which intends to exercise the power of eminent domain for the acquisition of land within an ADA, or which intends to advance a grant, loan, interest subsidy or other funds within an ADA for the construction of facilities serving non-farm structures, shall file a notice of intent with the CADB and the SADC at least 30 days prior to the initiation of this action. This notice shall contain a statement of the reasons for the action and an evaluation of alternatives which would not include action in the agricultural development area.

According to statutory guidelines, ADA's must encompass productive lands, not conflict with municipal zoning ordinances, be free of commercial or suburban development, and comprise no more than ninety percent of a county's agricultural land base. In addition, each county can also define its own more specific criteria. (See Appendix: CADB Policies/ "ADA Criteria" and MCADB Resolution 2007-06: Application Ranking)

Following the adopted criteria, the County's first ADA map was adopted in 1985. The map was revised in 1990 and again in 2006 (using the "Exception" provision of Mercer County's ADA Criteria) for the purpose of preserving two farms important to the County.

In 2007, as part of this Comprehensive Farmland Preservation Plan, the Mercer CADB completely revised the 1985 map and developed a new map (Figure 10) that accurately reflects the current agricultural conditions within the County and the areas with potential for agricultural growth.

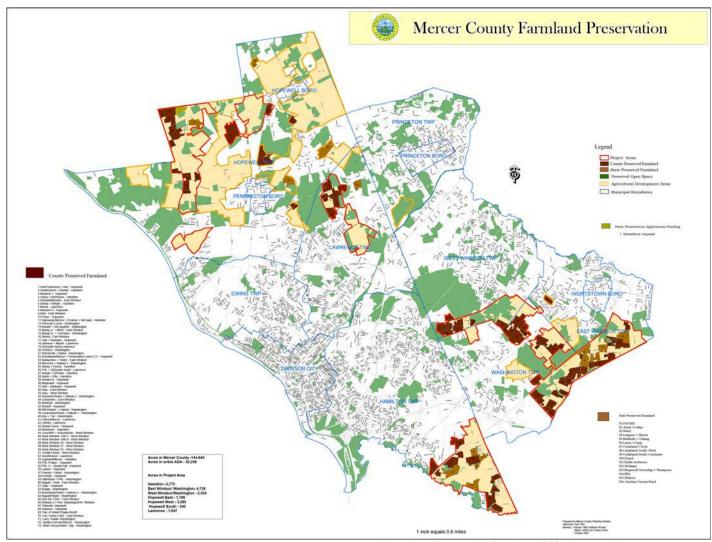
The 2007 ADA map excludes:

- SDRGP Planning Areas 1 and 2;
- Most Sewer Service Areas
- Developed Areas;
- Significant Green Acres Open Spaces; and
- Areas not zoned for farming (except where allowed as a non-conforming use)

In addition, in keeping with the regulations governing ADA's, no more than 90% of the agricultural land mass of the county was included within the ADA. Using Farmland Assessment (FA-1 Form) Acreage as that indicator, the revised ADA encompasses 30,259 acres – or 87% of the Total FA-1 Form acres shown in Table 1.

2. GIS Mapping / Current Location Map

Figure 10. Agriculture Development Areas, Project Areas, and County/State Preserved Farms



Map reduced/not to scale. See Appendix for larger version.

B. Farmland Preserved to Date by Program and Municipality

1. County Easement Purchase

Under this program, the landowner retains the ownership of the deed-restricted land but voluntarily agrees to sell the development rights. After the sale, a permanent deed restriction is placed on the property in order to ensure the land will not undergo non-agricultural development in the future. The cost to purchase the easement is shared by the State and County and can include financial participation by the municipality, non-profit groups and the private sector. (See last page of the Appendix for a description of the Program from the SADC website.)

In 1988, Mercer County's first farm – the 142-acre Hendrickson farm in Hamilton Township – was preserved through the Mercer County Farmland Preservation Program. As of November 1, 2007, the total preserved farm acreage by Mercer County is 4,726 acres on 75 farms (See Appendix: "Preserved Farms Tables", Table 1).

2. County Planning Incentive Grants

The County Planning Incentive Grant (PIG) program is intended to protect and preserve large areas of contiguous farmland through the purchase of development easements. In order to qualify for a PIG, the County must create an agricultural advisory board (our County Agricultural Development Board serves this role) and must also maintain a dedicated funding source to purchase farmland easements.

Prior to the establishment of new rules and regulations by the SADC governing the agricultural easement purchase cost-share program, the County chose not to participate in the Planning Incentive Grant program, thus, there are currently no County PIG preserved farms. The County is now participating in the new County Planning Incentive Grant Program and has submitted a Planning Incentive Grant application to the SADC that has targeted 34 farms for potential preservation.

3. Municipal Planning Incentive Grants

The Municipal Planning Incentive Grant Program has similar requirements to the County PIG program. Municipal PIGs require the adoption of a Farmland Preservation Plan, an Agricultural Advisory Board, and a standing commitment for preserving farmland. Grants for a municipal PIG are provided by the SADC to purchase development easements. There is one municipality in Mercer County – Hopewell Township – that has a SADC approved Planning Incentive Grant. At this time, the Township's first farm is nearing preservation – the 55-acre Foster farm – and there is another farm (Niederer) in the process of being preserved.

4. and 5. SADC Direct Easement and Fee Simple Purchases

Other options for farmland preservation are the SADC Direct Easement and Fee Simple Programs.

The SADC can purchase farms and development easements directly from landowners. Landowners do not have to be within an ADA if they are making an application directly to the State. The Direct Easement is similar to a County or municipality easement purchase, but the SADC fee simple acquisition program involves the purchase of a property outright by the state. In this way, a landowner sells all of their ownership interest instead of placing an easement on the property. The SADC negotiates a purchase price subject to recommendations of two independent appraisers and review by a state review appraiser. Once owned by the State, an easement is put in place so the land is permanently preserved for agriculture. In this type of acquisition, the landowner does not retain any rights and the property is resold by the SADC at auction for agricultural use.

The SADC has been active in Mercer County. As shown in Figure 8 above and in the Appendix (see Preserved Farms Tables; Table #2), sixteen farms and 1,209 acres have SADC easements. The table identifies them by name, municipality, location, and size.

In addition, the New Jersey Department of Corrections' Division of Operations "AgriIndustries" operates six dairy and crop farms as well as three food processing plants statewide. These supply Corrections, Human Services, Distribution Center, and Agriculture with milk, beef, turkey, pork and vegetable products. Two of these farms (Jones and Knight Farms) totaling nearly 630 acres are located in Ewing Township, Mercer County and are deed restricted by the State of New Jersey. Given the nature of these "farms" however, they were not included in the ADA or in the State preserved farm table.

6. Non Profits

Nonprofit organizations have also been able to help achieve farmland preservation goals. Grants can be obtained from the SADC to fund up to 50% of the fee simple or development easement values on farms. These grants can help to preserve farmland, although generally, local non-profits target properties of environmental significance and do less farmland preservation. As with other programs, grants are obtained through an application process in which the land is valued by independent appraisers. Depending on the nature of the property to be preserved and the desired public access objectives, non-profits in Mercer County have, on occasion, utilized conservation easements which permit continued agricultural use, but which do not require it.

Mercer County is fortunate to have a large number of non-profit land preservation organizations operating within its boundaries. They include: Friends of Hopewell Valley Open Space (FoHVOS); Friends of Princeton Open Space; Friends of West Windsor Open Space, and Lawrence Township Conservation Foundation. All of these groups have preserved open space in cooperation with their respective municipalities and with Mercer County. At least one, FoHVOS also permits agriculture on their preserved land. For example, Honey Brook farm in Hopewell Township is leasing land that was purchased in fee and deed restricted by FoHVOS. Although farming is being allowed by FoHVOS, the land is not solely dedicated to agriculture use as would be the case with an agricultural deed of easement.

The D&R Greenway Land Trust, which is one of the premier land conservancies in the state and the largest land preservation non-profit located in Mercer County, is one that the Mercer County Farmland Preservation Program has worked very closely with. The D&R Greenway has assisted on several County farm preservation projects by, most notably, acting under contract with the County as a negotiating entity with landowners who are sometimes wary of governmental officials. Examples of farms, from the "Preserved Farm Tables" (Table 1) in the Appendix, in which the D&R Greenway has played a role, are:

- Kalinowski & Keris (Windsor Farm U-Pick)
- Tindall Family Partnership (Doug Tindall)
- Tindall Greenhouses (Larry and Michelle Tindall)
- Silver Decoy Winery

The County and D&R Greenway are also working cooperatively on preservation of the Saint Michael's Orphanage property in Hopewell Township. Saint Michael's includes a farmland preservation component through the State Direct Easement Purchase Program. D&R Greenway also took the lead on the Powner farm acquisition in Washington Township that culminated in the sale of the non-agricultural development rights to Mercer County and the farm to Reed Sod Farms.

7. Transfer of Development Rights

The transfer of development rights is a growth management tool that transfers development rights from one location, a preservation area, to another, an identified growth/receiving area. The transferred development rights allow for development at a higher density than what the previous zoning of the receiving area allowed.

Mercer County does not utilize a TDR program. The only municipal program that has utilized TDR is Washington Township and it has done so on only one farm property. (See Chapter III, Paragraph G and the Appendix "Ordinances" for additional information.)

8. Other Programs and Partnerships

Two municipalities, West Windsor and Washington Township have been very active in preserving farmland through the purchase of development rights or fee-simple acquisitions and then assigning their agricultural easements or selling their development rights to the County. Table 15 on the next page identifies farmland that Mercer municipalities have preserved in-fee or by easement purchase and then have sought cost sharing through the County farmland preservation program.

In addition, the County, municipalities, and non-profits have preserved farms by partnering with each other, the SADC, or Green Acres. Most notable, perhaps, is the 71-acre Ruggieri farm in Hopewell Borough and Hopewell Township whose preservation was initiated by the Friends of Hopewell Valley Open Space for their own purposes and then completed by the execution of a Mercer County conservation easement which, "Purpose is to assure that the Property will be retained forever in its natural and undisturbed condition and for agricultural purposes...". Ruggieri is one of only two County owned conservation easements with farming specifically allowed, although in both cases, there is nothing preventing the land from returning to its "natural" condition.

Table 15: Municipally Preserved Farms with Easements Sold to Mercer

Municipality	Orig. Owner		Address	Acreage	Year	Changed Ownership
East Windsor	Thompson	B. 31 L. 10	Etra Rd.	38.95	2005	
Washington	Dyjak	B. 44 L. 20	New Street	47.99	2006	Now Booth
Washington	Robert Wood Johnson	B. 10 L. 56.01	169 Edinburg- Windsor Rd.	50.96	2001	Now Gabert
Washington	Rapant	B. 19, L. 2.02	Perrineville Rd.	9.76	2005	
Washington	Mercrock	B. 42, L. 1 B. 43, L. 1	Gordon Rd, Washington	83.37	1999	Now Dakota
Washington	Sunshine	B. 20 L. 14	279 Perrineville Rd	100.57	1999	Now Dakota
Washington	Levandowski	B. 19 L.6	300 Perrineville Rd.	78.83	2001	Now Dakota
Washington	Bresnahan	B. 22, Lot 4	Bresnahan Rd.	75.85	2005	Now Dakota
West Windsor	Jany	B. 32 L. 2, 22, 23, 24	Windsor Rd.	54.44	2000	
West Windsor	Schumacher	B. 29 L. 7, 11	1393 Old Trenton Rd.	27.68	2003	
West Windsor	Thompson	B.29 L. 3, 2.01	37 Rear Cubberley Rd.	76.42	2003	
West Windsor	Thompson	B. 30 L. 4, 5	1627 Old Trenton Rd. Rear	112.59	2003	
West Windsor	Thompson	B. 23 L. 42	1500 Old Trenton Rd.	25.35	2003	
West Windsor	Thompson	B. 23 L. 40, 57,	1550 Old Trenton Rd.	25.73	2003	
West Windsor	Thompson	B. 30.03 L. 2	Edinburgh- Robbinsville Rd.	31.08	2003	

C. Consistency with SADC Strategic Targeting Project

The <u>SADC/CADB Strategic Targeting Project</u> (March 2003 Preliminary Report; Page 13) identified agricultural soils, agricultural land use and existing and future sewer service areas as the Projects first phase preliminary analysis. The MCADB met with Tim Brill of the SADC on two occasions in 2003 to discuss the Strategic Targeting Project as it applied to Mercer County. Elements of these discussions were eventually incorporated into the CADB's 2007 ADA revision and into this Plan.

As further discussed in the <u>Strategic Targeting Project</u>, the next phase of analysis would incorporate the latest information from counties, municipalities and other State agencies including up to date County Agriculture Development Area maps, Planning Incentive Grant Project Areas, and information contained in County Comprehensive Farmland Preservation Plans.

The Mercer CADB is pleased to provide the SADC with the information provided in this Comprehensive Farmland Preservation Plan which includes a revised ADA plus County PIG Project Areas so that the SADC can continue it's analysis of the preliminary Strategic Targeting Project report.

When the Mercer CADB undertook its comprehensive revision of the ADA map pursuant to the new County Planning Incentive Grant Program, in addition to following the established ADA criteria (see Appendix: CADB Policies) and using its intimate knowledge of the County to review and revise the map, the MCADB placed particular emphasis on integrating the ADA with the Strategic Targeting Project by incorporating the following in its analysis:

- 1. Soils:
- 2. Current and anticipated local land use plans and regulations;
- 3. Farmland assessment status;
- 4. Anticipated approvals for non-agricultural development;
- 5. Accessibility to publicly funded water and sewer systems;
- 6. Compatibility with comprehensive and special purpose county and State plans;
- 7. Proximity and accessibility to major highways and interchanges;
- 8. Minimum size of an ADA;
- 9. Landowner sign-up;
- 10. Inclusion of entire or partial lots and blocks;
- 11. Land ownership;
- 12. Natural and special features;
- 13. Type and distribution of agriculture.

1. Municipal Planning Incentive Grant Programs

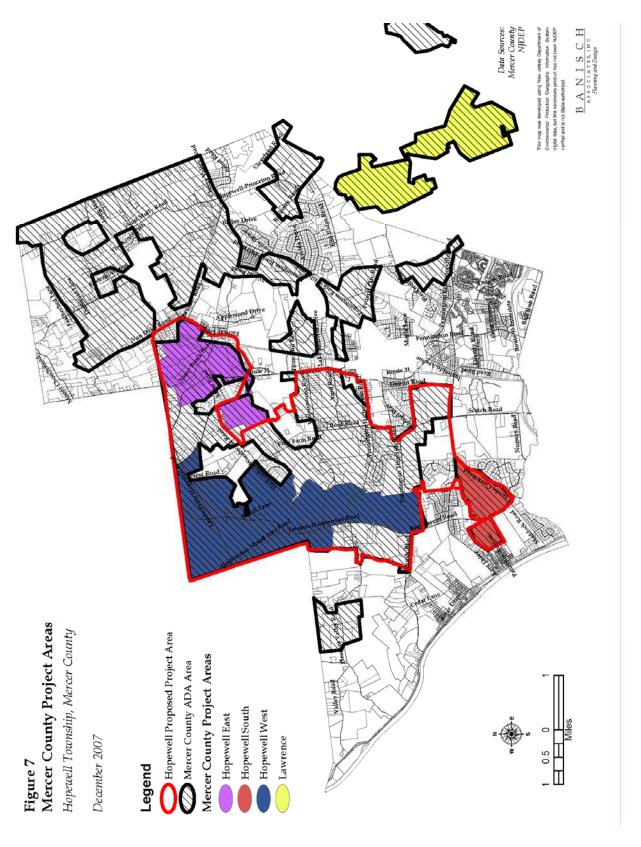
As described in Paragraph B., Subparagraph 3 above, Hopewell Township is the only municipality with an existing PIG Program and they have also made application under the new Municipal Planning Incentive Grant Program. As part of the County ADA revision process, staff met on three occasions with members of the Township government, the Township's planner, and the Township's Agricultural Advisory Committee to coordinate planning efforts.

Common preservation priorities aided in the creation of three County Project Areas - Hopewell East, Hopewell West, and Hopewell South totaling 5,021 acres and with seven targeted farms (see Appendix: Project Area Maps). The Township's single 10,582 acre Project Area overlaps the three County Project Areas (See map on following page).

Hopewell has targeted three new farms: Hopewell Valley Vineyard, Kerr, and Hoch. The one farm that is jointly targeted by Mercer and Hopewell is the Kerr farm. Kerr has also been a farm that the SADC has explored preserving through Direct Purchase.

Mercer County staff continues to meet on an ongoing basis with Hopewell Township and representatives of various preservation entities in the Hopewell Valley to discuss and coordinate preservation efforts.

Figure 11



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D. Eight Year Programs

There are two types of Eight-Year farmland preservation programs available, both of which involve an agreement with the landowner to keep the farm in active agriculture for a period of at least eight years. Both programs are voluntary and neither results in any payment to the landowner or permanent restriction on the use of the land. In return, the landowner is eligible to receive 50% cost sharing on soil and water conservation projects approved by the State Soil Conservation Committee. The Eight-Year Program is a restrictive covenant, placed on the land for a period of eight years. The landowner is eligible to apply for the aforementioned soil and water conservation funding and is eligible for other benefits and protections of the Farmland Preservation Program. The second program is termed the Municipally Approved Eight-Year Program, which requires a municipal ordinance endorsing the landowners' enrollment in the program, and provides greater protection from eminent domain takings, zoning changes, and emergency fuel and water rationing. In addition, an owner who wants to sell the farm while enrolled in an eight-year program must provide the SADC with an executed contract of sale for the property. The SADC then has the first right and option to match the conditions of that contract and purchase the property itself.

At this time, the County has no active 8-year programs although an application has been received for a municipally approved program on Cherry Grove Farm, a 280 acre farm in Lawrence Township. This farm is within a Project Area and is also targeted by the County for preservation. Cherry Grove Farm was enrolled in a Municipally Approved Eight Year Program from 1991-2007. A change in form of ownership necessitated a new application which should result in a new Agreement in 2008.

E. Coordination with Open Space Initiatives

Staff for the County of Mercer's Open Space and Farmland Preservation activities are located in the office of the Mercer County Division of Planning and as such, are integrally linked together simply by being within earshot of each other. While the protection of natural resources, and ecologically sensitive land, such as wetlands, wildlife habitat, waterways, slopes, mature woodlands, large stands of forests and ridge lines in their natural state is the primary goal of the Mercer County Open Space and Recreation Plan, when properties preserved for open space have portions that are actively farmed, the county continues to allow farming where feasible. Farm leases are permitted strategically on open space parcels, with the County's short and long-range recreational needs in mind. The open space program also places a priority on the preservation of lands along stream corridors to create green connections that protect natural resources and provide passive recreational opportunities. To create greenways, the open space program often works with the farmland preservation program to preserve stream corridors that are adjacent to farmland while allowing the farmer access to the water for farmland irrigation.

One out of five acres (or approximately 30,000 acres) in Mercer County have been preserved through the coordination and partnership of state, municipal and non-profit farmland and open space initiatives. While much of the funding for these preservation efforts has been through the County Open Space Trust Fund, the County has worked closely with its partners to maximize the leveraging of Garden State Preservation Trust Funds by often combining municipal and non-profit funding sources to facilitate a single

acquisition. Examples of this type of preservation include large natural lands such as Baldpate Mountain, Curlis Lake Woods, and land in the Hamilton Trenton Marsh. These properties are preserved for predominantly ecological and recreational resources and do not contain significant agricultural land.

Although the County has no current open space acquisitions planned within PIG Project Areas, the program is opportunistic and given the right circumstances, could acquire open space there. Figure 10 in this Chapter (and the ADA map in the Appendix) illustrates all preserved farmland and Open Space in Mercer County.

F. Farmland Preservation Program Funding Expended to Date by Source

The Mercer County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund was initially established in 1989 and set at one cent per \$100 of assessed valuation. In 1998 the Trust Fund was increased to two cents and in 2004 to three cents. Up to 15 % of the Trust Fund may be utilized for historic preservation and recreational development with the balance for open space and farmland preservation. There is no annual allocation between open space and farmland preservation acquisitions. As noted in Chapter V, the County's Trust Fund is currently generating in excess of \$13,000,000 a year.

By the end of 2007, Mercer County will have expended over \$43,000,000.00 on 75 farm projects totaling approximately 4,800 acres. Funding from the SADC has exceeded \$29,000,000. In the Appendix of this Plan (see" Preserved Farms Tables", Table 1), County costs and applicable State Cost-Sharing for each farm preserved by the County are identified. The County does not require local contributions and in the very few situations where they have occurred, the amounts are insignificant. There have also been only two farms with federal preservation funding received through the SADC and that too is insignificant to the overall funding picture. In total, funding from other sources (not County, not SADC) has been 1% of the total expenditures.

G. Monitoring of Preserved Farmland

MCADB members and staff conduct annual monitoring of farms on which the County holds the Deed of Easement as required both statutorily and by the Agricultural Deed of Easement. The purpose of monitoring is to prevent violations of Deed of Easement restrictions and to remedy any violations. This on-site visit also provides an important opportunity to meet with the farmer and or landowner, gather information about plans for the farm and share information about resources available to assist the farmer/landowner.

The SADC monitors farms on which it holds the Agricultural Deed of Easement. There is only one municipally held agricultural deed of easement, and that will be assigned to the County in 2008.

The restrictions on areas covered by the agricultural deed restriction typically are:

Any development of the Premises for nonagricultural purposes is expressly prohibited.

- The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.
- ➤ No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.
- ➤ No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as an agricultural management practice.
- ➤ No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall
- Any other activity which would be detrimental to the continued agricultural use of the Premises.
- The construction of any new buildings for agricultural purposes is permitted. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except to provide structures for housing of agricultural labor employed on the Premises or to construct a single family residential building anywhere on the Premises in order to replace any single family residential building in existence at the time of conveyance of this Deed of Easement.

H. Coordination with TDR Programs

The State of New Jersey facilitates the implementation of TDR in many ways. The New Jersey State TDR Bank offers Planning Assistance Grants to municipalities looking to establish municipal TDR programs, and directly funds some purchases of development credits. The State TDR Bank also provides financial backing on loans secured using development credits as collateral, and keeps records of all development credit transfers within the State.

The New Jersey Office of Smart Growth (OSG) also offers Smart Future Planning Grants to municipalities in order to help them plan for and implement TDR programs. Washington Township was the recipient of one of these grants and TDR was used on one occasion within the Township when credits were purchased from one landowner and transferred to a Town Center. However, as noted in Chapter III, this TDR was found to be illegal.

Chapter V: Future Farmland Preservation

A. Preservation Goals

Mercer County has preserved 4,726 acres of farmland (with two additional farms purchased in-fee by the County in October 2007 adding 63 more acres).

The County is proposing goals of:

One year: 100 acres Five years: 500 acres Ten years: 1,000 acres

Mercer County is 144,640 acres in size. In 2006, total farm assessed land (FA-1 Form, Table 1) was **34,669 acres**. This was the "agricultural base" used by the County for its ADA. Subtracting approximately **6,000 acres** of farmland preserved by the County and State (note that municipal and non-profit efforts do not add significant acreage) leaves approximately **28,669 acres** of the County's agricultural base as a "pool" for possible farmland preservation. However, it is important to note that this "pool" of land is not entirely suitable for preservation. For example, size of parcels, tillable acreage, soils, and additional development potential through local zoning all have an effect on preservation potential. Thus, given these constraints plus limited financial resources at the State and County levels, the County of Mercer will pursue the acquisition of **3,004 acres of Targeted Farms utilizing its adopted criteria and standards for application solicitation, review, and funding.**

These Targeted Farms represent a <u>two-thirds increase</u> in the amount of farmland Mercer County has already preserved. This Plan's annual goal reflects the program's lifetime average of 250 acres per year less the realities identified throughout the Plan such as: 1) an agricultural base that has lost approximately 16,000 acres over the past 20 years – a rate that could result in the specter of "build-out" 20 years from now; 2) median farm size decreasing (now 22 acres) making fewer farms suitable for preservation because of County and State criteria – especially where local zoning (Hopewell MRC zone) limits residential developability and value by creating "house lots" of 14 acres; and, 3) land values increasing dramatically thus compounding the fiscal problems facing preservation.

As this Plan historically notes, cooperative efforts between the County, State, non-profits and municipalities will likely result in additional farm preservation (e.g. the former St. Michael's orphanage in Hopewell Twp with over 300 acres of open space and farmland).

B. Project Area Summaries - N.J.A.C. 2:76-17.5

The Mercer CADB has identified seven distinct Project Areas within the County's Agricultural Development Area. These Project Areas are identified in Table 16 and "Project Area Maps" found in the Appendix of this Plan. There are 17,326 acres of land within Project Areas and naturally, not all are appropriate for farming or preservation.

Project Areas contain Targeted Farms. As defined by N.J.A.C. 2:76-17.2 – County Planning Incentive Grant Definitions, a Targeted Farm is "a specific property contained within an approved Project Area that a county may seek to solicit for preservation through the county planning incentive program." There are 3,004 acres of Targeted Farms identified in this Plan.

Each Project Area conforms to the statutory definition (N.J.A.C. 2:76-17.2) so that each Project Area "consists of the following lands and lands that are within one mile of any of the following lands":

- Targeted farms located within an ADA;
- Lands from which an application for the sale of a development easement has been granted final approval by the municipality, county and/or SADC;
- Lands from which development easements have already been purchased;
- Other land permanently deed restricted for agricultural use;
- Lands enrolled in an eight-year farmland preservation program or municipally approved farmland preservation programs; or
- Other permanently preserved lands dedicated for open space purposes that are compatible with agriculture.

The seven Project Areas in Mercer County are:

- 1. Hamilton
- 2. East Windsor/Washington
- 3. West Windsor/Washington
- 4. Lawrence

- 5. Hopewell East
- 6. Hopewell West
- 7. Hopewell South

Table 16 addresses the requirements pursuant to **N.J.A.C. 2:76-17.5** (a), **1., 2., and 3.** by summarizing the "Project Area Maps" and "Project Area Summary Forms" found in the Appendix:

Table 16: Project Areas

Project Area	Acres	Targeted	Farms with final	Preserved	Preserved	Eight –	Preserved
		Farms:	approval for sale	Farms:	Lands	Year	Lands to
		Number	of a development	Number and	Compatible	Program	Project
		and	easement	Acreage***	with	Farms	Area
		Acreage		_	Agriculture		Ratio
Hamilton	3,775	11/921 ac	Zygmont*	13/1,083 ac	7/191 ac	0	34%
East	1750	9/357 ac	0	29/1,783 ac	6/481 ac	0	48%
Windsor/Wash	4,758	9/33 / ac	0	29/1,/85 ac	0/481 ac	0	46%
West	2,524	4/337 ac	Herman/Updike*	14/901 ac	11/687 ac	0	63%
Windsor/Wash	2,324	4/337 ac	nerman/Opuike	14/901 ac	11/00/ ac	U	05%
Lawrence	1,647	3/339 ac	0	9/515 ac	4/177 ac	0	42%
Hopewell East	1,196	4/466 ac	0	2/291 ac	5/154 ac	0	37%
Hopewell West	3,285	1/131 ac	Foster and Weidel/ Broad Oak**	12/756 ac	6/386 ac	0	39%
Hopewell South	540	2/453 ac	0	0	0	0	0%
Total	17,725	34/3,004ac	2	79/5,329 ac	39/2,076	0	42%

^{*} County owned former Zygmont Farm and former Herman/Updike farm included in "preserved farms" column.

Table 17 on the following page addresses the requirements of **N.J.A.C. 2:76-17.5** (a), 4. by identifying for each Project Area, the ratio of the total area of important farmland soils (Prime, Statewide Importance, and Unique) to the total area of Targeted Farms. The additional tables following Table 14 identify individual Targeted Farm soils area, and, each farm's important farmland soils to farm size ratios.

^{**} Hopewell Township PIG farm (Foster/54ac), and, County application (Weidel/Broad Oak/76ac) not included with preserved farms or lands.

^{***}Preserved farms ONLY found within Project Areas.

Table 17: Project Area Details

Project Area	Project	Targeted	Important	Soils to
	Area	Farms:	Farmland	Targeted
	Acres	Acreage	Soils	Farms Ratio
Hamilton	3,775 ac	921 ac	775 ac	84%
East	4,758 ac	357 ac	296 ac	83%
Windsor/Wash				
West	2,524 ac	337 ac	337 ac	100%
Windsor/Wash				
Lawrence	1,647 ac	339 ac	319 ac	95%
Hopewell East	1,196 ac	466 ac	427 ac	92%
Hopewell West	3,285 ac	131 ac	128 ac	98%
Hopewell South	540 ac	453 ac	380 ac	84%
Total	17,725 ac	3,004 ac	2,662	89%

Hamilton Project Area: Targeted Farms and Soils Acreage

Targeted	Farm	Size	Prime	Statewide	Unique	Other	Ag Soil
Farms	ID*		Soils	Importance	Soils	Soils	Ratio
Lord	1a	63 ac	3 ac/5%	56 ac/89%	0	4 ac/6%	94%
Moore	2a	52 ac	24 ac/46%	26 ac/50%	0	2 ac/4%	96%
Chowdhury	3a	32 ac	5 ac/16%	27 ac/84%	0	0	100%
PRL (B.2715,	4a	77 ac	19 ac/25%	53 ac/69%	0	5 ac/6%	94%
lot 2)							
PRL (B.2739,	4b	150 ac	38 ac/25%	112 ac/75%	0	0	100%
Lot 3.01)							
Lanwin (B.	5a	74 ac	9 ac/12%	55 ac/74%	0	10 ac/14%	86%
2714, L. 26)							
Lanwin (B.	5b	46 ac	0	36 ac78%	0	10 ac/22%	78%
2715, L. 12)							
Princ Nursery:	6a	86 ac	31 ac/36%	11 ac/13%	2 ac/	42 ac/49%	51%
B.2746, L.6&14					2%		
Princ Nursery:	6b	81 ac	53 ac/65%	0	0	28 ac/35%	65%
B.2745, L.3.02							
Princ Nursery:	6c	56 ac	35 ac/63%	2 ac/3%	0	19 ac/34%	66%
B.2743, L.22							
Mercer/Verde	7a	33 ac	6 ac/18%	27 ac/82%	0	0	100%
Leake	8a	9 ac	7 ac/78%	2 ac/22%	0	0	100%
Katz	9a	20 ac	18 ac/90%	2 ac/10%	0	0	100%
Slivonik	10a	50 ac	30 ac/60%	20 ac/40%	0	0	100%
Mercer/Saw	11a	92 ac	11 ac/12%	20 ac/22%	35ac/	26 ac/28%	100%
Mill Rd					38%		
Total		921 ac	289 ac	449 ac	37 ac	146 ac	84%

^{*}Reference Project Area Maps found in the Appendix

East Windsor/Washington Project Area: Targeted Farms and Soils Acreage

Targeted Farms	Farm ID*	Size	Prime Soils	Statewide Importance	Unique Soils	Other Soils	Ag Soil
				•			Ratio
Batog	1a	43 ac	17ac/40%	18 ac/42%	0	8 ac/18%	82%
Cathcart	2a	19 ac	0	19 ac/100%	0	0	100%
Mercer/Hights	4a	29 ac	10ac/34%	19 ac/66%	0	0	100%
Farm							
Marrazzo	5a	34 ac	3 ac/9%	31 ac/91%	0	0	100%
Meshechek	6a	11 ac	10ac/91%	1 ac/9%	0	0	100%
Scarborough	8a	11 ac	0	11 ac/100%	0	0	100%
Tindall	9a	10 ac	1 ac/9%	10 ac/91%	0	0	100%
Docherty	3a	28 ac	25ac/89%	3 ac/11%	0	0	100%
Notterman	7a-c	172ac	48 ac28%	70 ac/41%	0	54ac/31%	69%
Total		357ac	114 ac	182 ac	0	62 ac	83%

West Windsor/Washington Project Area: Targeted Farms and Soils Acreage

Targeted	Farm	Size	Prime	Statewide	Unique	Other	Ag Soil
Farms	ID*		Soils	Importance	Soils	Soils	Ratio
Hall	1a	127 ac	37 ac/29%	90 ac/71%	0	0	100%
Procaccini	2a,b	47 ac	7 ac/15%	40 ac/85%	0	0	100%
Conover	4a	27 ac	10 ac/37%	17 ac/63%	0	0	100%
Cubberly	3a	136 ac	69 ac/51%	67 ac/49%	0	0	100%
Farm							
Total		337 ac	123 ac	214 ac	0	0	100%

Lawrence Project Area: Targeted Farms and Soils Acreage

Targeted	Size	Prime Soils	Statewide	Unique	Other	Ag Soil
Farms			Importance	Soils	Soils	Ratio
Cherry	278 ac	116 ac/41%	159 ac/59%	0	3 ac/0%	100%
Grove						
Mount	26 ac	20 ac/75%	6 ac/25%	0	0	100%
Hamill	33 ac	12 ac/36%	6 ac/18%	0	15 ac/45%	55%
Total	339 ac	148 ac	171 ac	0	18 ac	94%

^{*} Reference Project Area Maps found in the Appendix

Hopewell East Project Area: Targeted Farms and Soils Acreage

Targeted	Farm	Size	Prime	Statewide	Unique	Other	Ag Soil
Farms	ID*		Soils	Importance	Soils	Soils	Ratio
Olcott	1a	49 ac	24 ac/48%	25 ac/52%	0	0	100%
Skolnick	2a-f	226 ac	73 ac/32%	137 ac/61%	0	16 ac/7%	93%
Wert	3a	36 ac	33 ac/93%	3 ac/7%	0	0	100%
Zuccarelli	4a,b	155 ac	48 ac/30%	84 ac/55%	0	23 ac/15%	85%
Total		466 ac	178 ac	249 ac	0	39 ac	92%

Hopewell West Project Area: Targeted Farms and Soils Acreage

Targeted Farms	Size	Prime Soils	Statewide Importance	Unique Soils	Other Soils	Ag Soil Ratio
Patricelli	131 ac	63 ac/48%	65 ac/50%	0	3 ac/2%	98%

Hopewell South Project Area: Targeted Farms and Soils Acreage

Targeted	Size	Prime Soils	Statewide	Unique	Other	Ag Soil
Farms			Importance	Soils	Soils	Ratio
Kerr	405 ac	229 ac/56%	105 ac/26%	0	71 ac/18%	82%
Auer	49 ac	38 ac/78%	8 ac/16%	0	3 ac/6%	94%
Assoc/Herbert						
Total	454 ac	267 ac	113 ac	0	74 ac	84%

^{*} Reference Project Area Maps found in the Appendix

C. Minimum Eligibility Criteria

Amended Minimum Eligibility Criteria for farmland preservation State Cost-Share grants were adopted by the CADB on October 1, 2007 based upon the SADC's recently adopted rules for farmland preservation and project eligibility. So, in addition to the CADB's original criteria of:

- Site location within the ADA
- Minimum 25 acres of land, unless adjacent to a preserved farm, and
- Farmland Assessed.

each farm must also be developable, have soils capable of supporting agricultural or horticultural production, and meet minimum tillable land standards as per N.J.A.C. 2:76-6.20.

For all lands less than or equal to 10 acres:

- The land must produce at least \$2,500 worth of agricultural or horticultural products annually.
- At least 75% or a minimum of 5 acres of the land (whichever is less) must be tillable.
- At least 75% or a minimum of 5 acres of the land (whichever is less) must be capable of supporting agriculture or horticulture.
- The land in question must exhibit development potential as defined by the SADC (based upon zoning, ability to be subdivided, less than 80% wetlands, less than 80% slopes of 15%); OR
- The land must be eligible for allocation of development credits pursuant to a Transfer of Development Credits (TDR) program.

For lands greater than 10 acres:

- At least 50% or a minimum of 25 acres of land (whichever is less) must be tillable.
- At least 50% or a minimum of 25 acres of land (whichever is less) must have soils capable of supporting agriculture or horticulture.
- The land in question must exhibit development potential as defined by the SADC; OR
- The land must be eligible for allocation of development credits pursuant to a TDR program.

In addition, the application also is subject to qualification as an "eligible farm" if SADC funds are requested (N.J.A.C. 2:76-17.2). Eligibility is determined by averaging individual farm application "quality scores" over the past three years, then requiring each new application to be at least 70% of that average. Counties can request a waiver of this minimum standard.

It is important to note that these Minimum Eligibility Standards must be met in order for the State to provide matching funds on a farmland preservation project. The County may proceed without State funding on projects that do not meet these Minimum Eligibility Standards.

D. County Ranking Criteria

There is no CADB policy regarding ranking; however, the Mercer CADB does utilize the state's ranking criteria as the basis for calculating individual farm rankings and the State's "eligible farm" qualification only for County Easement Purchase Cost-Share Applications. The CADB also utilizes its ability through SADC rules and policies of assigning the top rank (and 10 extra quality score points) to a farm application it "recognizes as encouraging the survivability of the program in productive agriculture" in order to enhance that applications cost-share funding competitiveness.

The CADB has used the new farmland preservation rules to target 34 farms with a high probability of being successful County PIG easement cost-share applications. The CADB does not use ranking as a tool for determining if an application should be directed to another farmland preservation program; and, the CADB doe not rank County Planning Division agricultural easement or fee-simple purchases made prior to County Cost-Share Application submittals. In the past, Board members and staff have discussed with independent applicants the likelihood of success in any program

E. County Policies Related to Farmland Preservation Applications

The Mercer CADB follows the SADC's policies regarding housing opportunities, division of premises and exception areas and has adopted Policies on its own that either supplement SADC Policy or implement new ones. The CADB Policies are:

1. Approval of Housing Opportunities

- a. Agricultural Labor Housing This housing must be approved by both the SADC and CADB. The CADB is guided by the Deed of Easement (see Appendix: Adopted CADB Policies: Deed of Easement Housing Section) and has also promulgated a labor housing policy (same section Appendix). The SADC does not have a policy but recognizes the importance of labor housing and does have an application form that the CADB also utilizes. The SADC is guided by its staff review of the request.
- b. House Replacement Replacement housing must be approved by both the SADC and CADB. The CADB is guided by Deed of Easement paragraphs 13a and 14 and also it's House Size Policy (See Appendix: as above). The CADB considers the impact of a relocated replacement house on the agricultural operation in the course of evaluating an application. The CADB's House Size Policy is also applicable to house replacement requests. The SADC is guided by its staff review of a house replacement request.
- c. RDSO allocation Residual Dwelling Site Opportunities (RDSO's) are potential housing prospects located within a deed-restricted farm. These prospective residential units can only be allocated to parcels that are at least 100 acres in size. An RDSO, if allocated, is not firmly located until such time as the landowner applies to exercise it. The CADB, municipality and SADC each have a role in the process of locating an RDSO. The residential unit must be for agricultural purposes and "at least one person residing in the residential unit shall be regularly engaged in common farm site practices." The Mercer CADB does not encourage the use of RDSO's and the simple fact is that with a median farm size of 22 acres, there are few opportunities in Mercer County to use this tool. The SADC has a policy that provides a basis for reviewing a request to exercise a residual dwelling site opportunity and

ensures that the construction and use of the residential unit is for agricultural purposes.

- d. House Size The SADC does not have a specific house size policy but has utilized house size restrictions in its recent auctions of deed-restricted farms with housing opportunities. The Mercer CADB initiated a policy in 2001 and incorporated special language in the Deed of Easement to enforce it. (See Appendix for the CADB Policy.)
- 2. <u>Division of Premises</u> A landowner who wishes to divide a permanently preserved farm may apply to the county agriculture development board for a division of the premises. The division must meet criteria in the SADC's policy, with a focus that the resulting parcels are agriculturally viable. The request must be approved by both the county agriculture development board and the SADC. The CADB utilizes SADC policy as well as the SADC application to review an application. The CADB also focuses on the agricultural viability of the resulting parcels. The SADC Policy can be found at: http://www.state.nj.us/agriculture/sadc/farmpreserve/postpres/.
- 3. <u>Approval of Exceptions</u> Exceptions are defined by the SADC as "acres within a farm being preserved" which are "not subject to the terms of the deed of easement." When an exception is made, the landowner does not receive any compensation for the excepted area. The Mercer CADB strongly encourages the use of Exceptions for residential use and for farm markets. Staff spends time with each landowner discussing exceptions, reviewing their future plans, particularly as they may relate to family housing needs. There are two types of exceptions that can occur: severable and non-severable.

Severable: A severable exception is defined by the SADC as an "area which is part of an existing Block and Lot owned by the applicant which will be excluded from the restrictions of the Deed of Easement and may be sold as a separate lot in the future." A severable exception is made "if a landowner wants to be able to sell the excepted area separate from the deed-restricted farm." The Mercer CADB allows severable Exceptions but encourages the landowner to separate the lot before deed restricting the Premises. Mercer County has utilized severable exceptions for stream corridor open space preservation purposes.

Non-severable: Non-severable exceptions are defined by the SADC as "area which is part of an existing Block and Lot owned by the application that will not be subject to the restrictions of the Deed of Easement but cannot be sold separately from the remaining premises." Unlike a severable exception, a non-severable exception is "always attached to the protected farm." The Mercer CADB strongly encourages the use of non-severable exceptions for residential use and for farm markets. The CADB requires that the applicant perform septic suitability tests on the exception prior to preservation and as stated earlier, places house size restrictions on houses to be located within residential exceptions. The County will limit the number of exceptions by taking into account the individual application conditions. The location and configuration of each exception, as well as proposed access to each exception, are also given considerable attention in the application phase.

For all exceptions, severable and non-severable, the CADB considers the impact on the remaining agricultural lands, particularly ensuring that areas are not "orphaned" from the larger fields.

The Mercer CADB follows SADC policy with regard to access to exception areas.

- 4. Mowing The Mercer CADB has been concerned about the interpretation of and implementation of the Deed Restriction (DOE Paragraph 2) which reads, "The Premises shall be retained by agricultural use and production..." The CADB recognizes that there is not anything in the deed which requires that the property be actively farmed, but further recognizes that a farm that lies fallow will eventually be overtaken by invasive species and, later, succumb to forest succession. In order to maintain the land base for agricultural use and protect the public's investment in farmland preservation, the CADB adopted a policy on February 6, 2006 entitled, "Mowing to Manage Non-Agricultural Woody Species or Second Growth Invasion on Preserved Farms." This policy is two pronged it establishes a Restrictive Covenant to be recorded concurrently with every successive Deed of Easement which calls for annual mowing. It also establishes a policy which applies retroactively to every farm preserved by Mercer County calling for annual mowing. The Policy and sample restrictive covenant are found in the Appendix under Adopted CADB Policies.
- 5. Conservation Plan Release Paragraph 7 of the Deed of Easement provides one year within which a landowner must obtain a farm conservation plan approved by the local soil conservation district. The Mercer CADB tried to get copies of these plans and has found that these plans are held as confidential by the soil conservation district and NRCS. In order to obtain copies of the plans, both from the landowner and, if necessary, from the soil conservation district, Mercer County has developed an "Authorization to Obtain and Release of Soil Conservation Plan." This document is executed by the landowner concurrently with the Deed of Easement. A sample release form is found in the Appendix.

F. Funding Plan

1. <u>Description of County Funding Sources</u>

Prior to the establishment of the dedicated Trust in 1989, Mercer County funded farmland preservation through overall Capital Projects bonding.

Five farms were funded, in whole or in part, through bonding (Hendrickson, 1988; Hart and Townsend, 1991; Niederer, 1992 and a portion of Facey, 1994) for a total bonded of \$1,197,065. The Niederer acquisition was the first use of installment purchase in the State of New Jersey and it resulted in statutory changes to make installment purchase the valuable option that it is for NJ counties and local government today. The Niederer acquisition represented two other firsts for Mercer County – neighboring Mobil Corporation donated \$250,000 towards the purchase and the County acquired public access easements along the Stony Brook, enabling the County to achieve farmland preservation, stream protection and recreation goals in one acquisition. Since the 1990 tax year, residents of Mercer County have contributed \$80,278,975 towards the County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund. By the end of

2007, Mercer County will have expended approximately \$43,000,000.00 on 75 farm projects totaling approximately 4,726 acres.

The following summarizes the collection of open space tax by the County of Mercer:

Tax Year (rate)	Open Space Taxes Collected (from Abstract of Ratables)
1990 (.01)	\$1,884,604.00
1991	\$1,846,279.00
1992	\$1,864,163.00
1993	\$1,854,237.00
1994	\$1,876,090.00
1995	\$1,915,129.00
1996	\$1,947,875.00
1997	\$1,964,805.00
1998 (.02)	\$4,058,183.00
1999	\$4,246,369.00
2000	\$4,515,837.00
2001	\$4,984,517.00
2002	\$5,606,658.00
2003	\$6,212,463.00
2004	\$10,413,033.00
2005 (.03)	\$11,785,425.00
2006	\$13,303,308.00

There is no annual allocation between open space and farmland preservation acquisitions. However, up to 15 % of the Trust Fund may be utilized for historic preservation and recreational development.

2. Financial Policies Related to Local Cost-Share

Mercer County does not require its farmland preservation partners or applicants to contribute funds towards farm preservation. Likewise, Mercer County has not contributed to the one Municipal PIG program in the county located in Hopewell Township. *The County believes that the PIG provides the municipality with the opportunity to acquire properties of local importance that are not otherwise targeted by the County.*

However, Hopewell Township regularly convenes discussions to coordinate and strategize on all types of preservation acquisitions in the Hopewell Valley – farmland and open space. The County is an active and regular participant in these meetings and there are notable exceptions where there are overlapping interests, including the Kerr and Roebling farms in Hopewell, both of which would be joint acquisitions with SADC participation if they come to fruition.

As early as 1995, the County was pre-purchasing easements and farmland in fee, in anticipation of, but without a guarantee of, State cost-share reimbursement. Although State cost-share always materialized, the County has acquired easements without State funds in the past and may continue to do so in the future.

As indicated above, Mercer County was the first in the State to utilize the innovative technique of installment purchase, resulting in amendments to State law that significantly simplified the process for everyone that followed. Nonetheless, the County has only made four purchases in this way (Niederer, 1994; Sakowsky, 1995; Johnson, 1998 and Lee Turkey Farm, 2006). At one time, every applicant for easement purchase was offered the option of installment purchase, but few found the argument compelling enough to agree. Where installment purchase is beneficial, few options can compare. For example, the benefits to Mrs. Niederer were significant enough for her to pay in excess of \$100,000 in set-up costs to achieve that first installment purchase agreement. Unless installment purchase is institutionalized by the County as the preferred or required purchase method, the associated set-up costs for implementation on a case-by-case basis are significant. The Lee Turkey Farm acquisition, at \$9,838,800, was only possible as an installment purchase. Not only did the Lees see installment purchase as the only method by which they could keep the farm from a tax perspective, but the set-up costs were very small as a percentage of the overall acquisition. The County will entertain the idea of installment purchase on a case-by-case basis, but does not actively promote it to all applicants.

3. Cost-Projections and Funding Plan Associated with 1, 5, and 10 Year Goals

Over the past seven years, since 2000, the County preserved half of its 4,700 preserved farm acres. In 2000, the average cost per acre was \$9,269/ac. In 2006, it was \$24,277/ac (not including the 2006 Lee Acres easement purchase at \$185,000/ac for 53-acres or 2007 county pre-purchases not yet closed with the SADC). This reflects a conservative 17% annual increase over seven years. (See Table 18)

In the past, the SADC has cost-shared with the County at an approximate 60% State to 40% County ratio. Unfortunately the capacity of the SADC to cost share in the future is uncertain unless a new, and hopefully permanent, funding source is developed. With the new Countywide Planning Incentive Grants, Mercer County may not be able to draw down as much state money as it did in preceding years. For FY 2009, each county PIG will be awarded a base grant of \$2 million, and then compete for up to \$3 million more in additional funds. Funding levels for this program may change in the future based on fund availability. After FY2009, the County will continue to do its best to reach its farmland preservation goals given the available resources.

Assuming that SADC funding will continue at 60% (see Appendix for "Statutory funding formula") and pursuant to the County Farmland Preservation goals identified at the beginning of this Chapter, the following Table estimates future acquisition costs for the 1, 5, and 10 year goals – assuming projections of 100 acres to be preserved in 2008, 500 acres by 2012, and 1000 acres by 2017; plus, a conservative 10% annual increase in per acre values.

Over the next 10 years, the County of Mercer is projecting to preserve an additional 1000 acres of farmland at an overall cost of \$42,560,100.00.

Table 18: Acquisition Cost Projections

Year	Acreage	Avg. Cost	Total	County	State
	Preserved	per Acre	Purchase	Share	Share**
			Cost*		
2000	183	\$9,269.00	\$1,696,298.00	\$647,226	\$1,049,072
2001	319	9,367.00	2,988,055.00	\$1,366,185	\$1,621,869
2002	80	6,468.00	517,477.00	\$199,174	\$318,352
2003	704	16,783.00	11,815,276.00	\$4,039,436	\$6,525,184
2004	587	7,686.00	4,511,853.00	\$1,516,790	\$2,752,566
2005	177	19,851.00	3,513,617.00	\$1,437,951	\$2,075,666
2006	190***	24,277.00	4,612,603.00	\$825,841	\$1,238,762
2007	222	77,658.00	\$17,240,000	*	
Total	2,240	n.a.	\$29,655,179		

^{*} Some purchases yet to be submitted for cost-share

^{*** \$9.8}m, 53-acre, Lee Acres farm easement not included

				Est. 40%	Est. 60%
Projected	Projected	Projected	Projected	County	State Share
				Share	
2008	100	\$26,704.00	\$2,670,400	\$1,068,160	\$1,602,240
2009	100	29,375.00	2,937,500	\$1,175,000	\$1,762,500
2010	100	32,312.00	3,231,200	\$1,292,480	\$1,938,720
2011	100	35,544.00	3,554,400	\$1,421,760	\$2,132,640
2012	100	39,098.00	3,909,800	\$1,563,920	\$2,345,880
2013	100	43,008.00	4,300,800	\$1,720,320	\$2,580,480
2014	100	47,309.00	4,730,900	\$1,892,360	\$2,838,540
2015	100	52,039.00	5,203,900	\$2,081,560	\$3,122,340
2016	100	57,244.00	5,724,400	\$2,289,760	\$3,434,640
2017	100	62,968.00	6,296,800	\$2,518,720	\$3,778,080
Total	1000 ac	n.a.	\$42,560,100	\$17,024,040	\$25,536,060

4. Other

Eight of Mercer's thirteen municipalities have open space trust funds – Hamilton does not have a dedicated tax but sets aside a portion of its property tax for open space (see Table 19). It is interesting to note that even Pennington Borough, with no farmland or appreciable open space within its one square mile border, has contributed from its fund to 70-acre and 39-acre agricultural and open space easements purchased by the D&R Greenway Land Trust in adjacent Hopewell Township.

^{**} Some Applications Pending

Table 19: Locally Funded Open Space Programs

	2006 Tax	Year Approved	Est. Annual Revenue
Mercer County	0.03 1	1989/90=.01; 1998=.02; 2004=.03	9,310,000
East Windsor 12	N/A	N/A	N/A
Hamilton Township	0.02 1	2004	989,000
Hopewell Borough	0.01 1	2000	16,000
Hopewell Twp	0.04 1	1998=.02; 2002=.03; 2004=.04	695,000
Lawrence	0.03 1	1999=.01; 2001=.03	791,000
Pennington	0.01 1	1998	23,000
Princeton Borough	0.01 1	2000	102,000
Princeton Twp	0.02 1	1997=.01; 2000=.02	470,000
West Windsor	0.05 1	1993=.01; 1995=.02; 1998=.07; 2005=05	1,848,000
Washington	0.05 1	1998=.01; 2000=.05	442,000
Totals			14,686,000

DVRPC Table (http://www.dvrpc.org/planning/environmental/openspace/local.htm)

G. Farmland Preservation Program / CADB Administrative Resources

1. Staff Resources

The Mercer County Planning Division oversees Mercer County's Open Space and Farmland preservation programs. The farmland program is overseen by Daniel Pace, Principal Planner, Leslie Floyd, Assistant Planning Director, and Donna Lewis, Planning Director.

Legal Support

Legal support for the farmland preservation program (and Open Space program) is provided primarily through the Division's contract with the law firm of Parker McCay. At times, legal support is also provided by the County Counsel's office.

Database Development

The Mercer County Planning Division maps all farmland preservation projects. Acreage and acquisition cost information for every preserved farm is maintained in an Excel database. Baseline and monitoring photos, beginning in 2004, are kept electronically.

 ^{\$} per \$100 assessed property value dedicated to open space
 East Windsor Township dedicates a portion of its property tax revenue to open space but does not have a voter-approved tax levy. No revenue information is readily available.

13 Hamilton Township dedicates a portion of its property tax revenue to open space but does not have a

voter-approved tax levy. Dedication is the equivalent of \$.02 per \$100 assessed property value. Estimated annual revenue is derived from 2004 tax records of total collected property taxes.

4. GIS Capacity and Staff Resources

The Mercer County Planning Division has one full time staff person devoted to GIS and several planners who are proficient in GIS applications and techniques. The Division is the primary provider of Geographic Information System mapping for the County.

H. Factors Limiting Farmland Preservation Implementation

1. Funding

Funding is a critical factor for Mercer County's farmland preservation program.

The rate of farmland preservation by Mercer County is directly related to the availability of state funds and the financial ability of the County to leverage those funds. Due to the current uncertainty in state funding for farmland preservation, Mercer County's program will be challenged as it moves forward in purchasing and preserving land during the next ten years.

2. Projected Costs

On average, value of a development easement in Mercer County has tripled over the past three years. This trend is unlikely to change significantly into the future as the amount of available farmland steadily decreases. When combined with the challenges of funding, the result may well be a reduction in farmland being preserved over the next 10 years.

3. Land Supply

As illustrated in Chapter I, Table 4, the amount of farmland in Mercer County has been rapidly decreasing – and continues to do so. As the pool of farms decreases, so does the pool of possible farmland preservation acquisitions.

4. Landowner Interest

Applications are decreasing as the number of available farms diminishes in Mercer County, but, interest within that diminished pool of farms is still relatively strong due in large part to high easement values.

5. Administrative Resources

One Principal Planner is assigned to administer the farmland preservation program and its related responsibilities with assistance from the Assistant Planning Director and the GIS Coordinator. This is not a limiting factor for farmland preservation in Mercer County.

Most of these limiting factors contribute to the determination of the preservation goals identified in the beginning of this chapter. Although, as stated earlier, decreasing farmland, zoning reduced development potential, and State cost-share minimum eligibility requirements also contribute by limiting the pool of applicable farms.

CHAPTER VI:

ECONOMIC DEVELOPMENT

A. Consistency with N.J. Department of Agriculture Economic Development Strategies



Trenton Farmers Market Web Site Image

Howwood II:II

The New Jersey Department of Agriculture's 2007 Economic Development Strategies (http://www.nj.gov/agriculture/conventions/2007strategies.html), identifies and proposes methods to expand and enhance various sectors of the agriculture industry in New Jersey, including produce, horticulture, dairy, livestock and poultry, field crops, organic, equine, wine, and agritourism.

The County of Mercer supports these strategies. Although not all sectors are found in Mercer County, those that are prevalent: produce, horticulture, field crops, organic, equine, wine, and agritourism are important to the agricultural industry of Mercer County.

Produce

As illustrated in Chapter II, Table 9, the acreage in fruits and vegetables for Mercer's agriculturally assessed lands have been slowly but steadily increasing in recent years. In fact, two of the County's preserved farms are owned and operated by Asian farmers who grow and sell ethnic produce to the North Jersey/New York market. In addition, another preserved farm owner/operator is renowned throughout the southern part of the County for his sweet corn.

The Trenton Farmer's Market, open year-round, has been serving as an outlet for local farmers at its same location since the mid 20th century. For a look at its history, including photos, see their website at: http://www.thetrentonfarmersmarket.com/

Other smaller, more seasonal markets are:

Terhune	Little Acres Farm	Sansone's Farm
Orchards	Market	Market
330 Cold Soil Rd.,	Pennington-	245 Lambertville-
Princeton	Lawrenceville Rd.,	Hopewell Rd.,
(Open Year-	Pennington	Hopewell
Round)		

		mai vest min
Village Farms	Lee Turkey Farm	Farms
3020 Main St. (Rt.	201 Hickory	50 Cedarville Rd.,
206),	Corner Rd, East	Hightstown
Lawrenceville	Windsor	

Windsor Farm and Market 1202 Windsor Road, Windsor

Hope View Farms 103 E Broad St., Hopewell

These smaller markets are supplemented by seasonal and local community farmers markets as described later in this chapter under paragraph "B". In addition, numerous seasonal farm stands selling vegetables sit astride roads throughout the County's farming municipalities.

Strategies for strengthening the produce sector include:

- Continue support for the County initiative called "Mercer Crossings" that proposes to improve and expand the Trenton Farmer's Market and its surroundings.
- Encourage traditional field crop farmers, whose acreages have been declining, to venture into this growing field with the assistance of Rutgers Cooperative Extension Service resources.

Horticulture

The nursery sector is illustrated in Chapter II, Table 9, as having the greatest increase in agriculturally assessed acreage in the county. This is also reflected in County preserved farmland where 16 of 73 preserved farms (nearly a quarter) are predominantly involved in nursery, sod, or greenhouse operations.

Strategies for strengthening the horticulture sector include:

- Explore the feasibility of more farmers diversifying a portion of their output into this sector, including ways to deal with the challenges of irrigation needs/expenses, wildlife management, and increased labor demand. Utilize the resources of the Rutgers Cooperative Extension Service.
- Promote the State sponsored deer fencing program to help protect product in the field.

Field Crops

Field crops of corn and soy beans, although still the largest acreage of assessed farmland, have been steadily declining, although, this sector continues to have the greatest number of preserved farms (50%) and the greatest acreage. However, as the equine industry grows, more of these acres are being turned into pasture land or hay and straw production.

Strategies for strengthening the field crops sector include:

- Encourage diversification of crops to meet new markets.
- Promote additional deer management programs on County owned open space like the annual deer hunt on the 1,100 acre Baldpate Mountain County park in Hopewell.

Organic

Mercer County is the home of several organic farms including the reputed largest membership Community Supported Agriculture farm in the country – Honey Brook Farm. In addition, the Northeast Organic Farming Association has its home in Mercer County (Pennington) and is a valuable resource readily available to Mercer County farmers.

Although CSA's are not a growing trend among farmers in Mercer County, organic farming is — either by certification or keen interest; plus, there are two other farms advertising grass-fed animals and selling to the general public. They are: Cherry Grove Farm in Lawrence and Beech Tree farm in Hopewell. The Local Harvest website identified above can provide further information on those farms.

Strategies for strengthening the organic sector include:

- Educate growers about organic and natural regulatory and certification requirements and about the availability of federal funds to help offset certification costs. NOFA and Rutgers Cooperative Extension are resources.
- Support membership growth and expansion of Community Supported Agriculture.

Equine

Equine is a steadily growing sector in Mercer County's agricultural economy as illustrated by the farmland assessment data in Chapter I, Table 9. However, by definition, these farmland assessed acres are dedicated solely for "boarding, rehabilitating or training livestock". More representative and later figures for equine related farm acreage come from a 2007 study by the Equine Science Center at Rutgers. In it, Mercer County is identified as having 2,300 acres – far greater than the 278 farmland assessed acres reported in 2006. Indeed, within the County's farmland preservation program, four farms totaling approximately 350 acres are breeding facilities while several hundred more acres on other preserved farms have equine as ancillary to other agriculture production.

Strategies for strengthening the equine sector include:

• When the proposed equine rules are adopted, educate commercial and preserved equine operations, and municipalities, about the amended right-to-farm law.

Wine

Mercer County is the home of two of the State's 29 wineries: Silver Decoy, a preserved farm in Washington Township; and, Hopewell Valley Vineyards in Hopewell Township. Both wineries are well known throughout the State's wine circuit and produce award winning wines.

Strategies for strengthening the wine sector include:

- Encourage additional operators to diversify into grape growing to provide product to existing wineries.
- Encourage the use of winery facilities for hosting small events through the County Economic Opportunity Office
- Explore expansion of re-sale marketing

Agritourism

Agritourism is alive and well in Mercer County. The County supported Howell Living History Farm is a destination for residents of central New Jersey, nearby Pennsylvania, and points beyond. Many other farms throughout the County provide:

- Fall activities like hay rides, pumpkin picking, and apple festivals;
- Wine festivals;
- School visitations;
- Equine activities like horseback riding, stabling, and just stopping by the side of the road and viewing pastured horses; and,
- Pick-your-Own fruits and vegetables, roadside stands, and Christmas trees Strategies for strengthening the agritourism sector include:
 - Promoting the adoption of a statewide Agricultural Management Practice that would provide Right-To-Farm protection for farm operators.
 - Marketing agritourism through the hospitality sector.

B. Agricultural Industry Retention, Expansion, and Recruitment Strategies

1. Institutional

a. Farmer Support – Mercer CADB staff are always available to lend assistance to existing and prospective farmers. At every opportunity, staff promotes the excellent resources of the Department of Agriculture's website to those in search of information (e.g. Farm Link, RTF, deer fencing, commercial farm buildings, and farmland assessment) and also directs inquiries to the local Rutgers Cooperative Extension office (e.g. agricultural water use permits and farm vehicle license plates). Specific requests regarding organic farming are directed to the Northeast Organic Farming Association in Pennington. When pertinent electronically sent information is received by staff, it is forwarded to farmers with email addresses on file.

b. Marketing / Public Relation Support – The Mercer CADB supports the State's efforts in this regard and staff guides inquiries to the various Department of Agriculture's web sites. In particular, The Department's website at http://www.state.nj.us/jerseyfresh/index.html for Jersey Fresh and Jersey Grown labels is very useful. The website identifies listings for community markets, roadside markets and pick-your-owns as well as Jersey Fresh recipes and tips for choosing produce. In addition, these important branding programs work closely with the industry to market Jersey Fresh produce to the hotel, restaurant, educational, supermarket, and institutional food service industries.

- c. Community Farmers Markets Community farmers markets enable farmers to sell their products directly to the public. *The NJ Department of Agriculture maintains a website at http://www.state.nj.us/jerseyfresh/searches/urban.htm which provides statewide information on a number of markets.*
 - The Trenton Farmers Market As mentioned in Chapter II and at the beginning of this Chapter, the Trenton Farmer's Market is the granddaddy of them all having been in operation at the same location on Spruce Street since the 1930's and open all year long. The County of Mercer recognizes the importance of this community institution and is making every effort to increase the drawing power of the Market by conducting studies of the Market's environs, soliciting grants, and promoting inter-governmental cooperation. This project has been named "Mercer Crossings" (a name that best identifies the three municipalities that all come together in a "crossing" within yards of the Market) and is further described at the end of this chapter.
 - There are local and seasonal farmers markets, large and small, spread throughout the County nearly every day of the week during the growing season and aside from fresh products, many of the vendors offer value-added items such as baked goods and jams. These more seasonal markets are found in:
 - Hopewell Borough (at the former train station on Wednesdays from 2-5pm in season),
 - o Lawrenceville (on Gordon Ave., Sundays from 9am-1pm in season),
 - Princeton Borough (on the campus at Firestone library, Tuesdays from 11am-3pm in April and May then again in Sept and Oct),
 - West Windsor (train station, Saturdays from 9am-1pm in season)
 - Trenton (East State St., Thursdays from 11am-2pm July-September).

d. Community Supported Agriculture – With a CSA, the consumer pre-pays for a season's "share" and receives a weekly supply of produce. As mentioned earlier in this Chapter, Mercer County is host to two CSA's, Honey Brook farm in Hopewell Township and Cherry Grove Organic farm in Lawrence. As briefly quoted below, the Local Harvest website at http://www.localharvest.org/csa/ can provide even greater detail for each farm.

For Honey Brook's 2,300 member CSA, it says:

Honey Brook Organic Farm is one of the oldest operating certified organic farms in New Jersey, and the largest certified organic fruit, herb, vegetable and flower farm in the Garden State. Since 1991, farmer Jim Kinsel and his staff have consistently produced some of the finest quality, best tasting produce available anywhere. Our Community Supported Agriculture (CSA) program began at our farm in Pennington, NJ, where most of our members pick-up their shares, and is now expanding into South Jersey, with our new farm in Chesterfield, NJ! We also have a Boxed Share delivery program. All share holders have PYO privileges and there is no mandatory work requirement.

Founded in 2002, members pick up a weekly share of seasonal vegetables and pick-your-own flowers and herbs at our farm. CSA and farm stand -- June - November.

e. Agricultural Education and Market Research Coordination – The Mercer County office of the Rutgers Cooperative Extension traditionally has been a sponsor of workshops and a helpful resource for local farmers. When the local Extension Agent was promoted to the New Brunswick campus, Rutgers innovatively hired an agricultural marketing professional instead of another Agent. In addition, the person hired is fluent in Spanish and is a valuable educational resource for the large Spanish speaking work force in Mercer and adjacent counties. The Mercer CADB has been working closely with him as he reaches out to the County's farm community.

2. Businesses

a. Input Suppliers and Services – Within Mercer County, there are few support services for the agricultural industry. In fact, Tri County Auction in East Windsor, a traditional auction house that hosts a produce auction three nights a week, is the only existing wholesale market support for the industry in Mercer County. When asked where they get agricultural inputs (seed, fertilizer, etc) local farmers indicate that they go to Grow Mark in Burlington County, Farmers Brokerage and Supply in Monmouth County, and the Plant Food Company in Middlesex County.

Rutgers Cooperative Extension of Salem County has a very good website for farmers to find suppliers, services and many other resources. The website is: http://salem.rutgers.edu/greenpages/index.html

b. Product Distributors and Processors – When asked where they bring their agricultural products, growers of the vastly predominant field crops (see Table 9) like corn for grain, soybeans, and wheat indicate that they go to Purdue and Grow Mark in Burlington County and also into Pennsylvania. Vegetable farmers, of which sweet corn and pumpkins are the dominant products, sell direct to the consumer from their farms, or to Hunts Point Market in New York, and also to local supermarkets and roadside stands.

The two county Asian specialty crop farmers that operate on preserved farms here in Mercer indicate that northern New Jersey and New York City are their markets. In addition, the Trenton Farmers Market provides a daily year round direct marketing outlet for farmers — as it has been doing since the 1930's. However, the number of participating farmers is limited by the Market's member's rules.

In addition, there are several farm operators in the county that process their own product. For example: DiPaola farm and Lee Farm grow and process turkeys; Terhune Orchards manufactures cider and baked goods from their farm product; several horticultural nurseries do direct sales to consumers; and the two wineries are beginning to process their own grapes.

3. Anticipated Agricultural Trends

- a. Market Location Mercer County is centrally located in a large metropolitan area and has a substantial home-owning, mobile, affluent, and well-educated population. As identified earlier in this Chapter, many farmers take advantage of this population by marketing directly to the consumer either from on-site farm stands or from local seasonal markets (for descriptions of these farm markets, see the beginning of this Chapter). The organic and grass-fed animal farms also take advantage of this population. Some sweet corn growers sell direct to local supermarkets while farmers growing Asian products transport their product to the north Jersey/New York City area.
- b. Product Demand As evidenced in Chapter II, Table 7, the sectors of equine, fruits and vegetables, and nurseries are growing. This reflects a market described above that is well suited to various forms of niche farming (e.g. wineries), roadside produce stands, organic farming/CSA's, equine boarding and riding operations, and nurseries. Although traditional field crops are declining, the growth of equine operations (need for hay and straw) and biofuel processing (need for field corn) appear to be aiding that sector.

4. Agricultural Support Needs

- a. Agricultural Facilities and Infrastructure Support for the agricultural industry is important to Mercer County. However, at this time the county does not intend to play a lead role in new agricultural facilities and infrastructure. Other counties do so to some extent (especially south of Mercer) and we would also encourage the State of New Jersey to do so. As mentioned in the beginning of this chapter, the County is the lead agency for an initiative called "Mercer Crossings" surrounding the Trenton Farmers Market. (See the implementation section below.)
- b. Flexible land use regulations Mercer County's six municipalities with substantial farmland (East Windsor, Hamilton, Hopewell Twp., Lawrence, Washington, and West Windsor) all have Right-To-Farm Ordinances and all but West Windsor require a subdivision approval notification clause that runs with the land saying that farming is adjacent and a protected use. *However, there are other areas where municipal sensitivity to the land use needs of agriculture can be helpful. They are:*
 - Setting specific buffer standards for non-farm development adjacent to working farms that help to limit trespassing and littering and also protect the residential landowner from dust and spray materials spread during farming activities, thus minimizing potential Right to Farm conflicts (Lawrence Twp. and Washington Twp. have done this);
 - Exemptions for certain farm structures from building height restrictions;
 - Allowing additional principal dwelling units on farms in order to meet the needs of farmers for additional housing for their children or for farm managers;

- Exemptions from setback requirements when farmers seek to expand an existing nonconforming structure (Hopewell Twp. allows agriculture in restricted flood fringe areas);
- Flexible fencing ordinances that make allowances for types of fencing on farms that might not be desirable in residential zones, in consideration of the farmers needs to prevent wildlife damage; and
- Construction fee reduction for agricultural buildings (Hamilton allows waivers of site plan and agricultural subdivisions; Hopewell allows waivers of agricultural subdivisions).
- c. Agriculture Representation in Economic Development Organizations The Mercer CADB is not aware of any specific representation by the agricultural industry in any local economic development organizations.

5. Agricultural Support Implementation

The County of Mercer supports its agricultural industry primarily through farmland preservation. While it recognizes that infrastructure support is important, the County does not have the resources to comprehensively pursue this. However, as mentioned in the beginning of this chapter, the County is the lead agency for an inter-government initiative called "Mercer Crossings". Staff of the Mercer County Planning Division has been facilitating a redevelopment planning project for the area where the City of Trenton abuts the first-generation suburban areas of Ewing and Lawrence Townships and where the Trenton Farmers Market (located at this nexus) becomes the focus of surrounding redevelopment.

Mercer Crossings

With substantial support from the New Jersey Department of Community Affairs (DCA) in 2004, Mercer County invited an Urban Land Institute Advisory Services Panel to visit the area for a week, to interview local stakeholders, and to create a conceptual vision plan for redeveloping the area. Among the Panel's recommendations was continued collaboration between Mercer County and the three municipal governments to drive additional detailed planning studies. The ULI also recommended 'branding' the area with the name 'Mercer Crossings.'

In 2005 and beyond, representatives from Trenton, Lawrence, and Ewing met regularly with Mercer County staff and other key interested stakeholders, including the DCA, the Ewing Redevelopment Agency, and the Municipal Land Use Center at The College of New Jersey. This group discussed the ULI vision plan in depth, considered specific recommendations, and came up with some additional recommendations.

Working with this informal "Mercer Crossings Advisory Committee," Mercer County has arranged for other planning studies. These included an evaluation of the ULI recommendations regarding street improvements, undertaken by planners and engineers at the Delaware Regional Planning Commission. Mercer County also applied to the NJ DCA for a grant for a study centered on the Trenton Farmers' Market, which the ULI had recommended as a potential centerpiece for attracting economic redevelopment. For this project, the County hired the Project for Public Spaces (PPS), a world leader in developing public markets, to create a redevelopment plan for the Farmers' Market and nearby parcels.

On July 6, 2007, County Executive Brian Hughes joined with mayors and state officials to announce two new planning initiatives. With a grant from the New Jersey Department of Agriculture, the Trenton Farmers' Market is implementing early phase recommendations from the Project for Public Spaces. Through the assistance of Faridy Veisz Fraytak architects, the Market is preparing a civil engineering survey of existing facilities, drafting a site circulation concept plan, designing a new façade for Spruce Street, and researching improvements to exterior walls and interior lighting.

The Delaware Valley Regional Planning Commission also awarded Mercer County \$125,000 through the Transportation and Community Development Initiative (TCDI) to prepare a plan for transportation improvements around the market.

Additional information can be found on the Mercer County website at: http://nj.gov/counties/mercer/departments/planning/mercer_crossings.html

CHAPTER VII:

NATURAL RESOURCE CONSERVATION

A. Natural Resource Protection Coordination



Google Images; Stream Corridor

The Mercer County Agriculture Development Board recognizes that conservation of natural resources is a necessary part of farming and farmland preservation. Annual Deed of Easement Monitoring visits are utilized as an opportunity to talk to individual farmers and landowners about Conservation Plans and other resources and programs available from Rutgers Cooperative Extension, NJDA, NRCS, FSA and other related agencies. Materials are enclosed with pre-monitoring letters and as monitoring handouts. The CADB also provides information to landowners via e-mail.

The following organizations are valuable resources for coordinating natural resource protection in Mercer County:

1. Natural Resources and Conservation Service and the Farm Service Agency

These two agencies of the federal government may be the most important organizations serving the local agricultural community. With offices in neighboring Monmouth County, staffs from these agencies provide invaluable assistance and funding to Mercer's agricultural community towards protecting and conserving agricultural resources. There are numerous programs supported by these agencies and they are both promoted and well received throughout the agricultural community.

The NRCS "provides assistance to private land owners (including farmers) in the conservation and management of their soil, water, and other natural resources. Local, state, and federal agencies and policymakers also rely on (its) expertise." The NRCS provides technical assistance suited to the natural resource issues that are specific to a farmer's needs, with ample opportunity for cost shares and financial incentives. (http://www.nj.nrcs.usda.gov/farmers.htm)

The local NRCS and FSA offices serving Mercer County is located at the Monmouth Agriculture Building, 4000 Kozloski Road, Suite D, Freehold, NJ. Mercer County farmers may utilize this local NRCS office for assistance. NRCS will also reach out directly to landowners if they know of a farmer who is in need of technical assistance, or can use the guidance of the NRCS staff. The local NRCS office also helps to prepare Conservation Plans for Mercer County Farmers. These Conservation Plans include strategies to conserve soil and water, and may also include conservation practices for flora, fauna, and clean air. If all five elements are included, they are referred to as Resource Management Plans.

Within one year of selling their development easement, owners of preserved farms are required to enter into a Conservation Plan. The Plans are also a prerequisite to apply for natural resource conservation program grants such as the Wildlife Habitat Incentive Program (WHIP) and Environmental Quality Incentive Program (EQIP).

The local NRCS office administers these conservation program grants, which offer financial incentives to support conservation projects, including stream riparian buffers and wildlife habitat.

Administration of these grant programs includes field visits to prepare the Conservation Plans, preparation of grant program contracts, assistance with installation of contract conservation practices, and inspection of farms to verify contract conservation practices are implemented and maintained. It should be noted that the Mercer County Soil Conservation District gives final approval on all Conservation Plans and program contracts, and the USDA, Farm Service Agency (FSA) assists NRCS in administration of an additional natural resource conservation program entitled Conservation Reserve Enhancement Program (CREP).

The phone number for the local NRCS office is (732) 462-0075, and the District Conservationist is Nicole Ciccaglione. Ms. Ciccaglione and her staff can be contacted by Mercer County farmers for assistance and for more information on the availability of NRCS programs in the county. (http://www.nj.nrcs.usda.gov/)

An additional resource for Mercer County farmers is the "Field Office Technical Guide" (Guide), which is published by NRCS. It contains technical information about the development and implementation of soil, water, air, flora, and fauna resource conservation practices, and is used to develop Conservation Plans. Each state has its own Guide, which lists and discusses conservation practices particular to a state. These conservation practices improve water and soil quality, improves plant condition, and in some instances can improve air quality.

2. The Mercer County Soil Conservation District

This is another valuable resource to the agricultural community. The district reviews and approves natural resource conservation and assistance program grants. It also assists in agricultural conservation planning, agricultural conservation cost-sharing program grants, application of organic materials on agricultural land, agricultural water supply and management, soil erosion and sediment control, storm water discharge authorization, and soil surveys.

The District is one of 15 local soil conservation districts which are coordinated and supported by the State Soil Conservation Committee. Their programs "provide engineering services and regulatory guidance to soil conservation districts, homeowners, engineers, planners and virtually all development activities. The Division provides technical standards applicable to construction and mining sites regulated by the Soil Erosion and Sediment Control Act program ..." (http://www.state.nj.us/agriculture/divisions/anr/nrc/soil.html)

The Mercer County SCD office is located at 508 Hughes Drive Hamilton Square, NJ. The phone number is (609)586-9603. The Mercer County SCD is involved in review of Conservation Plans and grant program contracts, and must give final approval to both. (http://mercerscd.org/) The phone number for the Sussex County SCD office is (973) 579-5074, and the District Director is William Brash. He and his staff are available to provide assistance to farmers.

3. Rutgers University

The Rutgers Cooperative Extension (RCE) provides both field and technical research which is focused on best management practices for farmers, to ensure that the natural resources upon which it is based are protected.

Relative to natural resource conservation, the RCE offers the Agriculture and Natural Resource Management program. This education program provides "non-biased, research based educational programs and services for both homeowners and commercial producers. Services offered by extension personnel include soil testing, insect identification, plant disease diagnosis, and pest management recommendations for agricultural operations", as well as "educational publications covering a wide range of agricultural topics". Mercer RCE has a Senior Agricultural Program Coordinator, Jhilson Ortiz, who is a marketing specialist. Mr. Ortiz provides programming for farmers and farm employees, both in English and Spanish. All of the resources of RCE, including the Agricultural and Natural Resources Extension Agents, can be accessed by contacting RCE of Mercer County. The RCE of Mercer County is located at 930 Spruce Street, Lawrenceville, NJ. The office can be reached at (609) 989-6830.

B. Natural Resource Protection Programs

1. SADC Soil and Water Conservation Grant Program

The New Jersey Department of Agriculture, State Agriculture Development Committee (SADC) provides these grants to farms that are permanently preserved, or are enrolled in the eight year preservation programs, with priority for preserved farms. The purpose of the grants and program is to provide funding for soil and water conservation practices.

The types of soil and water conservation projects funded by SADC include soil erosion and sediment control systems (terrace systems), control of farmland pollution (stream protection; sediment retention, erosion or water control systems; animal waste control facilities; and agri-chemical handling facilities), the impoundment, storage and management of water for agricultural purposes (diversions; water impoundment reservoirs; irrigation systems; and, drainage systems), and management of land to achieve maximum agricultural productivity (land shaping or grading).

These grants fund soil and water conservation projects approved by the Mercer County Soil Conservation District (District), with the program administered by both the District and the local NRCS office in Freehold. Both the District and the local NRCS office also provide technical assistance for eight year program projects.

Once the District deems the conservation project necessary and feasible, applications are forwarded to the N.J. State Soil Conservation Committee, which recommends projects to the SADC for funding approvals. Traditionally 50 % of the costs of approved soil and water conservation projects are paid with grant funds, but up to 75 % has been approved in the past. Many of the County's eligible farms have availed themselves of this program.

2. Federal Conservation Programs

2002 and 2007 Farm Bills

The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) is landmark legislation, with much of its focus on conservation funding and environmental issues. Conservation provisions are designed to assist farmers in being good stewards of the land through grants and technical assistance. Voluntary programs relevant to New Jersey, and Mercer County, include the Conservation Reserve Enhancement Program (CREP), Conservation Innovation Grant Program (CIG), Environmental Quality Incentives Program (EQIP), Farm and Ranch Land Protection Program (FRPP), Grassland Reserve Program (GRP), Wetlands Reserve Program (WRP), and Wildlife Habitat Incentives Program (WHIP). These programs, administered by the local NRCS office and the Mercer County Conservation District, are discussed in this section.

The proposed 2007 Farm Bill would authorize approximately \$7.8 billion nationally to protect natural resources through conservation programs similar to those mentioned above. However, as proposed, the bill may consolidate most or all of these programs into one program tentatively titled the Environmental Quality Incentives Program.

The Mid-Atlantic region, of which New Jersey is part, is generally underserved by federal farm programs, including the 2002 Farm Bill. The Northeast/Mid-Atlantic region receives on average less than two cents in commodity payments for every dollar in farm sales, in stark contrast to over fifteen cents in some Midwest and Western states. With smaller than average farms, lower profit margins, varied crops, and development pressure, New Jersey has unique farm and food policy needs, which do not match other, larger agricultural states who receive the bulk of commodity payments. However, the commodity payment system may change in the proposed 2007 Farm Bill from price supports to revenue support, with a revenue insurance system if projected revenues for farm(s) are not met. Revenue support with an insurance system may well have a positive effect for Mercer County Farmers, since it may help specialty crops and niche markets receive their fair share of commodity payments.

The 2002 Farm Bill expired on September 30, 2007, but was extended via Congressional resolution, and the President's signature. The 2007 Farm Bill was passed by the House of Representatives in early August, 2007. The Senate version of the Farm Bill was passed by the Senate Agriculture Committee on October 25, 2007, with the full Senate expected to vote on the bill in early to mid-November, 2007.

Assuming passage by the Full Senate, the 2007 Farm Bill would then be referred to a House-Senate Conference Committee to rectify any discrepancies between the two Bills. If the Committee cannot rectify the two Bills, or if the Bill is vetoed by the President, it is likely that a two year extension of the 2002 Farm Bill would be enacted into law. However, if the 2007 Farm Bill is signed into law, the resulting farm and food policy promises to strengthen New Jersey's agriculture and ensure fresh, healthy food supplies while serving to better protect the environment. Some highlights of 2007 Farm Bill, as it relates to natural resource conservation, include:

- Expanding working lands conservation programs and an improved farmland protection program;
- Increasing focus on energy efficiency and on-farm renewable energy production; and,
- Increasing access for the region's producers by providing a minimum base allocation of conservation funding for every state.

The following is a synopsis of the natural resource conservation programs funded by the 2002 Farm Bill. They are implemented by NRCS and the Mercer County SCD, and also to a minor degree the Farm Service Agency, which is also part of USDA. These programs are the backbone of natural resource conservation efforts in Mercer County. EQIP in particular is a very popular program among Mercer County farmers.

Conservation Reserve Enhancement Program (CREP) and Conservation Reserve Program (CRP)

Through CREP and CRP, agricultural producers voluntarily retire land to protect environmentally sensitive areas, decrease soil erosion, provide and restore wildlife habitat, and protect ground and surface water. Examples of conservation practices include riparian buffers and filter strips for water quality, and contour buffer strips to reduce soil erosion. With incentive payments for farmers to fully implement a CREP contract, payment for this program can be fully funded by NRCS and NJDA.

Conservation Innovation Grant program (CIG)

The aim of the CIG program is to stimulate the development and adoption of conservation approaches and technologies which are innovative, in conjunction with agricultural production. Funds are awarded as competitive 50-50 match grants to nongovernmental organizations, tribes, or individuals.

Environmental Quality Incentive Program (EQIP)

EQIP is a conservation program in which farmers receive financial and technical assistance with structural and management conservation practices that address soil, water, and grazing land concerns. It is the most well funded of all the programs, receiving approximately \$4 million statewide on an annual basis. Nationally, the proposed 2007 Farm Bill would raise authorized EQIP funding to \$1 Billion.

Farm and Ranch Land Protection Program (FRPP)

FRPP provides up to 50 % matching funds to purchase development rights and conservation easements to keep farm and ranchland in agricultural use. The USDA partners with state, tribal, or local governments, and non-governmental organizations.

Farmers accepting funds through this program must adhere to strict impervious surface limitations. In New Jersey, this program receives approximately \$500,000 to \$1 million annually. The local NRCS office prepares the Conservation Plans used in the Program, which is then administered by the NJDA. To date, acreage in Cape May County is not available for this report. Nationally, the proposed 2007 Farm Bill would raise authorized FRPP funding to \$300 million.

Grassland Reserve Program (GRP)

GRP offered landowners the opportunity to protect, restore, and enhance grasslands on their property, which play a vital role in protecting water quality and providing wildlife habitat. This program was coordinated through several federal agencies. The proposed 2007 Farm Bill would provide only minimal funding for GRP.

Wetlands Reserve program (WRP)

WRP offers farmers payments for restoring and protecting wetlands on their property that had been previously drained for agricultural use. Wetlands help reduce flooding, filter pollutants from water, provide critical wildlife habitat, and protect open space. Payment by NRCS is based upon appraised agricultural land value. With appraised values from \$100 to \$2000 per acre, many farmers are not willing to create wetlands on otherwise productive agricultural lands.

Wildlife Habitat Incentives Program (WHIP)

WHIP provides technical and financial assistance for creating, enhancing, and maintaining wildlife habitat. The State Technical Committee for WHIP in New Jersey awards project contracts for designated wildlife habitat categories. Since its inception in

1998, WHIP has been a popular program for non-federal landowners interested in wildlife habitat management in New Jersey.

3. New Jersey's Landowner Incentive Program

Provides technical and financial assistance to private landowners interested in conserving threatened and endangered plant and animal species on their property. Potential projects include vernal pool restoration, prescribed burns, and stream fencing. The State is particularly focused on grassland within regional priority areas and lands adjacent to Wildlife Management Areas and other permanently protected areas. The MCADB is aware of at least one landowner with a conservation easement on his land who has utilized this Program.

C. Water Resources

1. Supply Characteristics

Bedrock geology and soil types determine groundwater yields, surface and aquifer recharge capabilities, septic suitability and agricultural suitability. To the north of Route 1, the County is largely located within the rolling hills of the Piedmont Physiographic Province (dominated by shale and sandstone). South of Route 1, the county falls into the flatter Coastal Plain (composed of gravel, sand, silt and clay). The soil types in the County generally are level, gently rolling, well-drained loamy and shale soils underlain by red shale. The soils have been historically well-suited for field crops, hay, pasture for livestock, and vegetables and fruits in areas with adequate water holding capacity.⁶

Groundwater supplies streams with base-flow to keep them flowing during normal periods without rain. In Mercer County there are eight main aquifer formations supplying wells and stream base-flows. Significant streams that are or can be sources of water supply for farms within Mercer County's existing farm areas are: the Stony Brook and Jacobs Creek in Hopewell Township; Crosswicks Creek and Doctors Creek in Hamilton; Assunpink Creek in Washington and West Windsor; and Cedar Swamp Brook in East Windsor.

2. Agricultural Demand and Supply Limitations

The dominant field crops in Mercer County are corn, soybean and hay. These crops rely on rain and some groundwater for water needs. However, the increasingly viable sectors of nursery and greenhouse, sod, and vegetable farming are more dependent upon reliable surface and ground water sources. As non-agricultural water demands increase in a suburban County such as Mercer, the negative impact on groundwater levels intensify. Many of the streams identified above undergo very low flow conditions in late summer and although wells on farms do not as yet seem adversely impacted, it may be just a matter of time given suburban growth and climate change.

At this time, Mercer County's Senior Agricultural Program Coordinator indicates that farmers are not having difficulty with water allocation permits issued by the Bureau of Water Allocation, Division of Water Supply, NJDEP. This Bureau is responsible for ensuring that surface and ground water diversions do not exceed the sustainable yield of available water resources and do not adversely impact existing users of that resource.

3. Conservation and Allocation Strategies

If water intensive agriculture and processes become more prevalent in the future, then water conservation strategies may become more important, and should be maximized where possible. Many of Mercer's nursery farmers already implement conservation strategies such as drip irrigation. Some other strategies would be watering crops in the

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 $^{^{6}\} DraftGrowth Management\ Plan \ Preliminary Plan \ Draftf \ MP summaries \ profile_environmental 12.08.05.pdf$

cooler parts of the day and re-use of rain water from roofs - something that is being explored by at least one greenhouse operator. At least one of Mercer's several cattle operators utilizes automatic watering troughs.

D. Waste Management Planning

Some of Mercer's equine and livestock owners already work with the NRCS to develop manure management plans while others have put in place their own reasonably effective means of waste management. During its annual monitoring visits to preserved farms with equine operations, the CADB inquires about and observes the way waste is handled. However, once the New Jersey Department of Agriculture adopts new animal waste rules, as is proposed, many farms will need to prepare formal plans.

The County's recycling program, under the direction of the Mercer County Improvement Authority, does not accept agriculture related products (nursery plastics, plastic mulch, tires, etc.) for recycling at this time. However, nursery and greenhouse film can be recycled at the Occupational Training Center in Mount Holly, Burlington County.

The NJDA has an Agricultural Recycling Program. More information is available at their website, http://nj.gov/agriculture/divisions/md/prog/recycling.html.

E. Energy Conservation Planning

The SADC does not have a formal policy for the use of wind and solar energy on commercial farms. However, discussions with the SADC indicate:

- SADC is supportive of solar and wind energy use on commercial farms as long as the main purpose of the produced energy is for use on the farm. This does not preclude the sale of excess energy production back to the power grid; and,
- Installation of solar panels, wind turbines and other appurtenant equipment must not negatively impact production of the agricultural land, and agricultural land must not be taken out of production.

Solar Energy

Solar energy can be harnessed via the installation of solar panels. This harnessed or stored energy can then be used to create electricity and provide heat. If excess electricity is generated, it can be sold back to the electric grid for a profit. The overall use of solar panels has greatly increased in New Jersey. EQIP does provide some funding for solar panels, and farmers interested in using this alternate energy source can contact the local NRCS office for more information.

At least two of Mercer County's farmers have installed solar power systems on barn roofs to make electricity. There are no farms with electricity generating wind turbines.

Other programs available to help agricultural producers take advantage of this technology include U.S. Department of Energy, "Solar Energy Technology Program", http://www1.eere.energy.gov/solar/ and the "Solar Energy for New Jersey Agriculture" work and information sheet at http://www.state.nj.us/agriculture/pdf/solarenergyguide.pdf. Solar energy is one of the fastest growing sectors in the alternative energy market, and more Mercer County farmers should take advantage of this energy and money saving technology.

Wind Energy

The power of a strong wind can be captured by turbines or windmills, turning such power into electricity. Expanding and evolving technology is making this option more attractive to farmers as a way to cut energy costs. Mercer County has ample and consistent enough wind power to make turbine energy feasible. One possible roadblock to use of wind turbines, is that few, if any, municipal ordinances allow the use of wind turbines. If this is indeed the case then the Mercer County CADB should work with the County Planning Department, and local towns, to study and approve wind turbines as an allowed use.

Ethanol

Ethanol is a renewable fuel made by distilling the starch and sugar in a variety of plants. It can then be blended into gasoline as an "oxygenate", reducing air pollution. Its use may also reduce dependence on foreign oil, and the harmful environmental effects of oil drilling. Also, unlike the gasoline additive MTBE, Ethanol will not contaminate groundwater. Corn, a dominant field crop in Mercer County, could position Mercer County farmers to financially capitalize on the spreading movement towards ethanol-blended fuels. More study would need to be done on whether this would be profitable for County farmers, and how it would affect other local agriculture industries.

Bio-diesel

Petroleum diesel is an emitter of sulfur emissions, a major air pollutant. Biodiesel, made from the oils of soybeans, is an alternative to petroleum diesel. This organic fuel can be blended and used in diesel engines without modification. The result is a significant reduction of the harmful fumes produced by pure petroleum diesel.

F. Outreach and Incentives

The NJDA provides the following information on renewable energy grant programs, which can help encourage the use of these energy sources:

New Jersey's Clean Energy Program: Administered by the New Jersey Board of Public Utilities, this program provides financial incentives to install clean energy systems, including fuel cells, solar energy, small wind and sustainable biomass equipment. Financial incentives are in the form of rebates, grants and loans. Additional information is at www.njcep.com/.

Renewable Energy Systems and Energy Efficiency Improvements Program: As part of the 2002 Federal Farm Bill, this program "funds grants and loan guarantees to agricultural producers for assistance with purchasing renewable energy systems and making energy efficiency improvements". Final rules for loans and grants were adopted by the U.S. Department of Agriculture in July 2005. The proposed 2007 Farm Bill would reportedly continue this funding. Additional information can be found at the following website: www.rurdev.usda.gov/rbs/farmbill/index.html.

Biomass Research and Development Initiative Grants: The United States Departments of Agriculture and Energy support development of biomass energy. Grants are available for research, development and demonstrations on bio-based products, bio-energy, biofuels, bio-power and additional related processes. In the recent past, grants have focused on development and demonstration projects that lead to greater commercialization.

Additional information is available at the following website: http://www.state.nj.us/agriculture/news/hottopics/topics060222.html.

CHAPTER VIII:

AGRICULTURAL INDUSTRY SUSTAINABILITY, RETENTION AND PROMOTION



Lee Acres Preserved Farm, East Windsor; Dan Pace



SADC Image



Terhune Orchards Preserved Farm, Lawrence, Web Site

A. Existing Agricultural Industry Support

1. Right to Farm and Agricultural Mediation Programs

Right to Farm Law – This law protects farmers from nearby residents who complain about normal farming operations such as noise, odors, and dust. It also protects farmers from unnecessary ordinances or regulations that may restrict farming operations. The State of New Jersey adopted the Right-to-Farm Act in 1983 and amended it in 1998. The Act declares that the "protection of commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time, acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey." The Act stipulates the types of activities a farm may engage in as well as the steps for various agencies to follow in reviewing disputes regarding any farm activity.

The SADC works to maximize protections for commercial farmers under the Right to Farm Act by developing Agricultural Management Practices (AMPs), tracking right to farm cases, offering a conflict resolution process, and reviewing rules proposed by other state agencies for the impact they may have on agriculture.

In order to qualify for Right to Farm protection a farm must meet the definition of a "commercial farm" in the Right to Farm Act; be operated in conformance with federal and state law; comply with AMPs recommended by the SADC, or site specific AMPs developed by the CADB at the request of a commercial farmer; must not be a direct threat to public health and safety; and, must be located in an area where agriculture was a permitted use under municipal zoning ordinances as of December 31, 1997, or thereafter; or, must have been an operating farm as of December 31, 1997.

All Right to Farm complaints or issues that can be brought before the CADB are first handled with fact finding, and efforts to resolve differences between the parties. The mediation can be informal or, if the parties agree, the SADC will provide mediation or conflict resolution at no cost to the participants through its Agricultural Mediation Program. If a formal complaint is filed with the CADB, it is sent to the SADC for a determination as to whether the farm falls within the parameters established by the Act for Right to Farm protection. Once the complaint is returned to the CADB from the SADC, additional fact finding and technical review occurs and the issue is given a public, quasi-judicial hearing at the county level. After all information has been considered, the CADB will make a determination as to whether the agricultural activity is protected by the Right to Farm Act or whether changes to the operation will be required. If the issue is not resolved by the CADB determination, either party in the dispute may take the matter for a subsequent appeal and determination to the New Jersey Office of Administrative Law.

The following table identifies the six municipalities which have Right to Farm ordinances. No other municipality in Mercer County has significant farmland or a Right to Farm ordinance.

Table 20: Right to Farm Ordinances

Municipality	Ordinance	Notification Clause *	Adoption Year	Ordinance #	Source
East Windsor	X	X	Rev. 1996	Sect. 26-1	Municipal Clerk
Hamilton	X	X	1991	91-007	Municipal Clerk
Hopewell T.	X	X	1993	93-957	Municipal Clerk
Lawrence	X	X	1983 rev. 1986	1046-86	Municipal Clerk
Washington	X	X	1985	85-5	Municipal Clerk
West Windsor	X	No	1982	82-52	Municipal Clerk

^{*}Right-To-Farm notification imposed and running with the land on new subdivision lots adjacent to existing farms.

All the ordinances identified above, except for West Windsor Township, are nearly identical and appear to follow a model ordinance circa 1985. West Windsor's ordinance generally reflects the same rights to certain farming activities as the other ordinances but does so in an abbreviated way. This early model ordinance is generally consistent with, but not as comprehensive, as the current State Model Ordinance. The CADB will encourage all these municipalities to review their current ordinances, and where appropriate, make revisions following the current model.

The Agricultural Mediation Program – As described on the SADC website (*see http://www.state.nj.us/agriculture/sadc/rtfprogram/*), the State's Right to Farm Program has established an informal conflict resolution by mediation process in recognition of the following:

- That the formal process can sometimes seem adversarial and leave relationships strained, and
- That there are benefits to resolving conflicts in a less formal fashion, such as forging better relationships and preventing additional conflicts in the future.

To use the mediation program, both parties must voluntary request mediation. Each mediation session is facilitated by a trained, impartial mediator whose job is not to impose a solution but to rather facilitate discussion. The mediator helps disputing parties examine their mutual problems, identify and consider options, and determine if they can agree on a solution. Because the mediator has no decision-making authority, successful mediation is based on the voluntary participation and cooperation of all the parties.

2. Farmland Assessment – Farmland Assessment is a tax incentive which reduces property taxes on actively farmed land. This tax incentive is made possible by the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

The most significant elements of the law are:

- Land must consist of at least five contiguous farmed and/or woodland management plan acres. Land under or adjoining a farmhouse is not counted towards the minimum five acres;
- Gross sales of products from the land must average at least \$500 per year for the first five acres, plus an average of \$5.00 per acre for each acre over five.
- Homes, barns and other farm structures are not farmland assessed.

As illustrated in Chapter I, Table 1, the six municipalities in Mercer County (E. Windsor, Hamilton, Hopewell, Lawrence, Washington, and W. Windsor) with significant farmland have a total municipal acreage of 116,800 acres, of which, 31,447 acres, or 27%, are Farmland Assessed. Again, it is important to note that these six municipalities have 95% of all farmland assessed land in Mercer County. In comparison, for Mercer County as a whole, only 34,669 acres are Farmland Assessed out of 144,640 acres in all.

B. Other Strategies

1. Agricultural Vehicle Movements / Routes

Mercer County farmers need to move heavy, slow moving agricultural equipment over local, county and sometimes state roads to access unconnected fields and barns. It is their usual practice to do this very early in the morning to avoid as much as possible conflicts with other vehicles.

2. Agricultural Labor Housing and Training

Labor Housing:

As discussed earlier, sectors of the agricultural industry that are expanding in Mercer County are those (fruit and vegetables, equine, nursery) in which an adequate or specialized labor supply is integral to the operation. The CADB has acted on several labor housing requests for these sectors and has been guided during its review by the Deed of Easement and its own policy for agricultural labor housing (see Appendix: CADB Policies). As with a replacement housing request on the farm Premises, the CADB considers, among other things, the size, number and type of laborers to be housed, and impact on the agricultural operation. After the CADB acts, the request is forwarded to the SADC whose staff then reviews the request using their criteria.

Training – One special educational source for training Mercer County agricultural land owners and operators is the Rutgers Cooperative Extension. Its programs and outreach efforts focus on commercial agriculture and horticulture, fisheries and aquaculture, environmental and resource management issues, farm business development and marketing, pesticide safety and training, integrated pest management (IPM), and other related subjects. The Senior Agricultural Program Coordinator in the Mercer County Extension Office is a marketing specialist and as such has reached out to the County's farmers to assist them with marketing their products. In addition, he is fluent in Spanish and is a valuable educational resource for the large Spanish speaking agricultural work force in Mercer and adjacent counties. The Mercer CADB has been working closely with him as he reaches out to the County's farm community.

3. Wildlife Management Strategies

Wildlife management is very important for the retention of agriculture. Crop losses to birds, deer and other animals can be significant. Netting, fencing, hunting, air cannons and other techniques are all employed by Mercer County farmers to deter crop depredation. The County of Mercer also proactively employs a yearly organized deer hunt on its 1100 acre Baldpate Mountain Park. The park is in close vicinity to preserved and unpreserved farmland and the hundreds of deer taken by hunters in the park over the past few years has been beneficial to those farms.

4. Agriculture Education and Promotion

Farmland preservation must go beyond the purchase of development easements and make the effort to ensure that the agricultural industry remains not only a viable component of the county's economy, but a major part of the county's character and lifestyle.

Education and training for farmers promotes a more efficient and productive business environment. Rutgers Cooperative Extension Offices in Mercer County, and throughout the State, are actively doing just that.

The County of Mercer supports the New Jersey Department of Agriculture's commitment to promoting agritourism through the New Jersey Office of Travel and Tourism, the *Jersey Fresh* website, the distribution of printed materials, and other forms of advertisement. The CADB supports the efforts of the SADC to advance an agritourism AMP.

Mercer County farmers are very active in the "Farmers Against Hunger" food rescue program to distribute produce to organizations dedicated to helping people who are hungry.

Several Mercer County farmers open their farms to elementary and middle school student groups to educate them about agriculture.

The Mercer County 4H has a growing group of young people interested in equine activities. They meet in Hopewell Township at Howell Living History Farm – a popular County facility dedicated to its donor's vision of:

"a (turn of the century) Living History Farm, where the way of living in its early days could not only be seen but actually tried by the public, especially children - milking a cow, gathering eggs in a homemade basket- helping to shear sheep, carding wool, spinning and weaving..."

More information about Howell Living History Farm can be found at: http://www.howellfarm.org/

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Agricultural Municipalities:

Selected Ordinances:

Hamilton
Hopewell Twp.
Lawrence
Washington

HAMILTON

Large Lot Zoning and Cluster Options for RRC Zone

Sec. 160-73. RRC rural resource conservation and R-25 single-family residential districts. (R-25 does not have significant amounts of agricultural land)

(A) Purpose. The RRC district responds to the township's longstanding planning objectives to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands and environmentally sensitive lands. The RRC district's location beyond the sewer service area has prevented its rapid suburbanization, distinguishing it from the remainder of the township and much of the region. The RRC district is dominated by highly productive farmland soils, that are part of a regional agricultural belt extending southward into Burlington County and eastward into Ocean County. The state development and redevelopment plan designates nearly all of the RRC district within the rural planning area (Planning Area 4), where agricultural retention is the principal priority.

The RRC district also includes extensive wetlands and wooded stream corridors, including headwater tributaries to the Crosswicks Creek and Delaware River that affect downstream water quality. This diverse landscape provides a variety of habitat types suitable for threatened and endangered species, including grasslands, emergency wetlands, upland forest, forested wetlands and bald eagle foraging habitat (along Crosswicks Creek) within the RRC district.

The combination of highly productive farmland and sensitive natural resource land of the RRC district make this a unique portion of the township. The RRC district's zone standards are designed to maximize the retention of farmland and other natural resource lands and maintain the ecological integrity of the area as permitted development proceeds.

- (B) In the RRC rural resource conservation and R-25 single family residential districts, the following shall apply:
- (1) Principal permitted uses on the land and in buildings.
- a. Farms. See Right-to-Farm Ordinance, section 160-136 of this chapter.
- b. Single-family detached dwellings.
- c. Public recreation and community center buildings and grounds.
- d. Public libraries.
- e. Parks and playgrounds, but not including amusement parks or similar uses which detract from the natural rural characteristics of the district or are operated for profit.
- f. Buildings used exclusively by the federal, state, county or local municipal government for public purposes.
- g. Harvesting of wild crops, such as berries and tree fruits.
- h. Repair and maintenance of farm buildings and machinery located and used on the same premises, including required workshops.
- i. In the RRC zone only, there may be kept not more than one saddle horse, one cow or two goals for each one-half acre in area of the parcel of land upon which the same are kept. No saddle horse, cow or goat shall be housed within a distance of 200 feet from any property line.
- i. Conservation areas and public purpose areas.

- k. The keeping of not more than two domestic animals over six months old for individual domestic purposes or for cultivation of the soil, except that this limitation shall not apply to a farm or residential agriculture.
- 1. Development Option I Lot Size Averaging in the RRC zone: See subsection 160-73(B)(13) and 160-135 of this chapter.
- m. Development Option II Open Lands Subdivision in the RRC zone: See subsection 160-73(B)(14) and 160-135 of this chapter.
- n. Development Option III Conservation Cluster Subdivision in the RRC zone: See subsection 160-73(B)(15) and 160-135 of this chapter.
- (2) Accessory uses permitted.
- a. Private garages.
- b. Swimming pools in accordance with section 160-126.
- c. Private greenhouses, garden houses, barns, silos, toolsheds, tennis courts and outdoor fireplaces.
- d. Boats and camper to be parked or stored only and located in rear yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot. Boats and campers, when stored in rear yards, are to observe side and rear yard requirements associated with accessory buildings.
- e. Off-street parking.
- f. Fences and walls. (See section 160-114.)
- g. Private residential tool or garden sheds not to exceed 12 by 12 by 12 feet and located not less than three feet from property lines.
- h. Signs.
- i. Temporary sales or construction trailer(s).
- 1. The trailer(s) shall be located on the same lot as the principal permitted use and shall meet all setback requirements for principal buildings in the zone.
- 2. The trailer(s) shall be shown on the site plan for the principal permitted use and shall be reviewed by the administrative officer on an individual case basis in accordance with the performance standards in section 160-120.
- 3. The trailer(s) shall be permitted to remain only for the period of construction, renting or sale of the permitted use.
- 4. Only one sales trailer and two construction trailers are permitted per project.
- j. Amateur radio antennas support structure not to exceed 45 feet in height, unless the structure is retractable. The height of a retractable antenna structure shall not exceed 45 feet when the structure is not being used for the transmission and/or reception of amateur radio signals and 65 feet when the structure is fully extended and in use for the transmission and/or reception of amateur radio signals. Satellite dish antennas shall be installed in accordance with the standards specified in section 160-137.
- k. Parking of one commercial vehicle as outlined in section 160-312(h) of this chapter.
- l. Dog runs. Dog runs are permitted as accessory uses to residential properties subject to standards specified in section 160-312(s) of this chapter.
- (3) Other uses permitted upon application to the municipal agency for a conditional use permit.
- a. Golf courses, excluding a golf driving range or miniature golf course.
- b. Camps.
- c. Reserved.
- d. Reserved.
- e. Child care and infant care centers.
- f. Clubhouse.

- g. Churches and other places of worship, Sunday school buildings, rectories and parish houses.
- h. Public and parochial schools and colleges and private schools and colleges for academic instruction.
- i. Public utility installations.
- j. Home occupations.
- (4) Maximum building height.
- a. No building shall exceed 35 feet in height and 2.5 stories.
- b. The height of accessory buildings shall not exceed 15 feet. This restriction shall not apply to barns located on active farms.
- c. The height of farm structures shall be subject to section 160-136 of this chapter.
- (5) *Minimum off-street parking*. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.
- a. Dwelling units shall each provide two spaces per dwelling unit, which shall not encroach upon the right-of-way.
- b. See section 160-119 for additional standards.
- (6) Permitted signs. See section 160-124 of this chapter for standards.
- (7) Area and yard requirements (detached dwellings).

TABLE INSET:

	District	
Minimum requirements:	RRC Development Options, I, II and III*	R-25
Principal building:		
Lot area (square feet)	40,000	25,000
Lot frontage (feet)	150	125
Lot width (feet)	150	125
Lot depth (feet)	200	125
Side yard (feet)	30	20
Front yard (feet)	50	50
Rear yard (feet)	50	50
Accessory building:		
Distance to side line (feet)	20	20
Distance to rear line (feet)	20	25
Distance to other building (feet)	20	25
Maximum requirements:		
Building coverage (percent)	12	15

Maximum impervious surface**		
RRC density (units/net developable acre)	0.16	N/A

Notes:

TABLE INSET:

** Maximum Impervious Surface (percent)	Unconstrained Land Area
25%	Less than 1 acre
20%	1 to less than 2 acres
15%	2 to less than 5 acres
12%	5 to less than 10 acres
10%	> 10 acres

- *Where properties abut limited access, major arterial, arterial and major collector roadways, an additional 40 feet shall be added to the minimum front setback or rear yard setback requirement. In the case of lots whose rear yard fronts on the above roadways, a landscaped berm of a minimum height of four feet is required and an easement shall be granted to the township. The easement shall include a covenant that the owner shall be responsible for the maintenance of the easement area.
- (8) For architectural design standards see section 160-112 of this chapter.
- (9) Landscaping and preservation of natural features. See sections 160-117, 160-119, and 160-120 of this chapter for design standards.
- (10) Fences, walls, and sight triangles. See section 160-114 for details.
- (11) Source-separation or recycling plan. See section 160-134 of this chapter for requirements.
- (12) Accessory buildings. See section 160-111 of this chapter for design standards.
- (13) Requirements for Development Option I: Lot Size Averaging in the RRC zone.
- a. *Purpose*. The purpose of this development option is to provide flexibility in the arrangement of residential development that will allow for the preservation of the rural character, productive farmland soils, woodlands and other critical habitat areas found throughout the eastern end of the township. It is intended that this ordinance will encourage development that minimizes negative environmental impacts while providing creative flexibility for residential and agricultural development. Unless otherwise stated, the standards stated below shall supersede other standards stated in section 160-73.
- b. Zoning requirements.
- 1. This lot size averaging subdivision option is available for parcels containing a minimum of 12 contiguous acres. Development parcels may be separated by existing roadways, however, a minimum of 12 acres shall be provided on each side of the road.
- 2. Permitted uses: Single-family detached houses, agricultural uses and accessory uses as stated in section 160-73.
- 3. RRC density: The maximum permitted RRC density shall be 0.16 units per net developable acre. In order to calculate the maximum permissible number of lots, the total net developable acreage shall be multiplied by 0.16.
- 4. Minimum lot size: 40,000 square feet in the RRC zone. All lots are subject to section 160-135 of this chapter as it relates to septic system design.

- 5. A lot averaging subdivision may be permitted when the applicant proposes a distribution of lot areas within the subdivision that results in at least 75 percent of the lots having a minimum lot area between 40,000 square feet and 80,000 square feet, except in the case of a two lot subdivision, in which case one of the two lots shall be between 40,000 square feet and 80,000 square feet.
- 6. The site design of lot averaging subdivisions should shift the more intensive development toward those lands that can best support the installation of the dwelling, well, septic system and associated site improvements. Similarly, lot averaging should seek to preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, steep slopes, shallow bedrock, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or forested areas.
- 7. On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly forested areas, the preservation of forested areas shall take precedence.
- 8. All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
- c. Details required for preliminary subdivision plats.
- 1. Application submissions shall comply with section 160-225 of this chapter. The applicant is advised to submit a concept plan of the lot averaging subdivision for review and comment in accordance with the ordinance.
- d. *Design standards*. All lot size averaging subdivisions shall be governed by the following design standards:
- 1. Standards for locating new residential development.
- i. The design of the development utilizing this option shall foster the following objectives: retention of large contiguous farmland areas; retention of large contiguous forested areas; stream corridor and wetlands preservation; aquifer recharge protection; steep slope protection; overall site design; reduction of impervious coverage; traffic circulation; and, sensitivity to the site's natural features, topography and relationship to open lands on neighboring parcels.
- ii. In forested areas, the design of the development shall include a 200' buffer along existing roads, which shall either maintain existing woodlands or establish new forested areas for those areas that are disturbed during site development or are currently cleared. The intent of this provision is to maintain the scenic roadside views in the township. iii. Natural features including woodlands, natural terrain, open waters and scenic vistas shall be preserved wherever possible in designing any development containing such features, and development should be designed to preserve views of cultural/historic landmarks.
- 2. Design standards for public roads.
- i. Right-of-way width and cartway width for existing and proposed roadways on the Hamilton Township master plan shall comply with design standards outlined in section 160-125 of this chapter.
- ii. Right-of-way width and cartway width for interior public streets shall comply with design standards for local rural roads in section 160-125 of this chapter.
- iii. Minimum distance between access points on interior and non-interior public roads: 200 feet. Access points shall include individual and common driveways and on-site public roadways.
- iv. Sidewalks shall not be required, however, a bikepath shall be required on non-interior public streets.

- v. Curbing: Curbing shall only be used where necessary to provide for stormwater management.
- vi. Roadways shall follow existing contours to minimize the extent of cuts and fills. Landscape/design features such as hedge rows, flowering shrubs, stone rows, and post and board fences are encouraged.
- 3. Landscaping and lawns.
- i. All basins shall require landscaping plans. Basin designs and landscape plans shall be designed so that they blend naturally into the landscape.
- ii. Interior roadways shall have deciduous trees planted 30 feet on center. Trees shall be a minimum of two and one-half inches in caliper at the time of planting.
- 4. Fencing and walls.
- i. Perimeter fencing is permitted if it is post and rail or post and board type.
- ii. Privacy fencing shall be kept to a minimum and restricted to an area within the boundaries designated for permitted building envelopes.
- iii. Walls shall be permitted.
- 5. Signage.
- i. As per section 160-124 of this chapter.
- 6. Accessory buildings and structures.
- i. Accessory buildings shall be located within the building envelope areas.
- ii. Accessory structures shall be located within the building envelope area unless otherwise stated in this ordinance.
- iii. Septics, wells and driveways may be located outside building envelopes.
- 7. Existing structures.
- i. Existing structures shall be analyzed for their historic significance and salvageability.
- ii. Those structures deemed significant shall be saved for an adaptive use consistent with permitted uses in the zone.
- iii. Existing structures may remain outside of a lot's building envelope.
- e. *Concept plan review*. An applicant for a lot-size averaging subdivision shall submit a concept plan of the subdivision to the administrative officer for review and comment.
- 1. The developer shall not be required to submit any application fees for informal concept plan review; however, no professional review(s) shall be undertaken unless the developer agrees to pay for said review(s) and files the escrow fees specified for concept plan review in section 160-253.
- i. The developer shall not be bound by any plan for which concept review is requested, and the approving authority shall not be bound by any such review.
- ii. A developer desiring to have a concept plan reviewed by the approving authority shall so notify the administrative officer and schedule a meeting. A plan shall be submitted at least three weeks prior to a scheduled meeting with the administrative officer at which the concept review is requested.
- 2. Concept plan required details. The following information shall be provided for concept plan review:
- i. A plan at a scale of not less than one inch equals 100 feet clearly and legibly drawn.
- ii. A key map at a scale of not less than one inch equals 800 feet showing the entire development and its relation to surrounding areas.
- iii. Existing structures and uses.
- iv. Existing and proposed street and lot layout in conformance with ordinance bulk standards, showing that portion proposed for development in relation to the entire tract.
- v. Area of original tract.
- vi. Reserved.
- vii. Zoning district and North arrow.

- viii. Block and lot number for the tract.
- ix. Proposed method of water supply and sewage treatment.
- x. Proposed access points and roadways.
- xi. Existing topography and contours based on United States Geological Survey (USGS) data, unless more detailed data is available, illustrating areas with slopes of 15 percent or greater.
- xii. Natural resources and features, such as forested areas, wetlands, major rock outcroppings, lakes, ponds, streams, drainage ditches, impoundments and watercourses.
- xiii. Soil mapping and interpretations based on the United States Department of Agriculture (USDA) Soil Survey for Somerset County.
- xiv. Location of flood hazard areas and floodways.
- xv. Existing easements, deed restrictions and covenants.
- xvi. A written summary of how the concept plan provides for the arrangement of residential development that will allow for the preservation of the rural character, productive farmland soils, woodlands and other critical habitat areas and minimize negative environmental impacts.
- xvii. Certification that the applicant is the owner of the land or the owner's duly authorized agent, or that the owner has given his consent under an option agreement or a contract to purchase.
- (14) Requirements for Development Option II Open Lands Subdivision in the RRC zone.
- a. *Purpose*. The purpose of this development option is to promote the retention of large contiguous tracts of farmland, woodlands and other natural resource features by providing flexibility in the arrangement of residential development. It is intended that the density incentive provided by this development option will aid the preservation of the rural character, productive farmland soils, woodlands and other critical habitat areas found throughout the eastern end of the township and minimize negative environmental impacts while providing creative flexibility for residential and agricultural development. Unless otherwise stated, the standards stated below shall supersede other standards stated in section 160-73.

b. Zoning requirements.

- 1. This open lands subdivision option is available for parcels containing a minimum of 12 contiguous acres. Development parcels may be separated by existing roadway, however, a minimum of 12 acres shall be provided on each side of the road.
- 2. Permitted uses: single-family detached houses, agricultural uses and accessory uses as stated in section 160-73.
- 3. RRC density: The maximum permitted RRC density shall be 0.16 units per net developable acre. In order to calculate the maximum permissible number of lots, the net developable tract acreage shall be multiplied by 0.16.
- 4. Minimum lot size: 40,000 square feet in the RRC zone. All lots are subject to section 160-135 of this chapter as it relates to septic system design.
- 5. The site design of open lands subdivisions should shift the more intensive development toward those lands that can best support the installation of the dwelling, well, septic system and associated site improvements. Open lands subdivisions should seek to preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, steep slopes, shallow bedrock, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or forested areas.
- 6. At least 75 percent of a tract proposed for open lands subdivision in the RRC district shall be designated as "open lands" and shall, as a condition of approval of the

development, be deed restricted for agricultural or conservation use. Lots qualifying as open lands shall be permitted a primary residence and other accessory buildings and uses as provided in this chapter.

- 7. At least 60 percent of designated "open lands" shall be some combination of unconstrained land area, or prime soils or soils of statewide importance, or forested area. On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly forested areas, the preservation of forested areas shall take precedence.
- 8. For tracts of 100 acres or less, the open lands shall be contained in one deed-restricted contiguous parcel; for tracts greater than 100 acres, the open lands may be composed of noncontiguous parcels, provided that each open lands area shall contain at least 50 contiguous acres. When noncontiguous open lands parcels of at least 50 acres are provided, each parcel may have a residence, provided that the total permitted density is not exceeded.
- 9. All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
- c. Details required for preliminary subdivision plats.
- 1. Application submissions shall comply with section 160-225 of this chapter.
- d. *Design standards*. Open lands subdivisions shall be governed by the design standards contained in subsection 160-73(B)(13)d.
- e. *Concept plan review*. An applicant for open lands subdivision shall submit a concept plan of the subdivision to the planning board for review and comment in accordance with subsection 160-73(B)(13)e. of this chapter.
- (15) Requirements for Development Option III Conservation Subdivision in the RRC zone.
- a. *Purpose*. The purpose of this development option is to promote the permanent preservation of large contiguous tracts of farmland, woodlands, wetlands, floodplains, stream corridors and other natural resource features by providing flexibility in the arrangement of residential development around preserved open space. It is intended that this development option will aid the preservation of the rural character, productive farmland soils, woodlands and other critical habitat areas found throughout the eastern portion ofthe township and minimize negative environmental impacts while providing reactive flexibility for residential and agricultural development. Unless otherwise stated, the standards stated below shall supercede other standards stated in section 160-73.
- b. Zoning requirements.
- 1. This conservation cluster subdivision option is available for tracts or parcels containing a minimum of 25 contiguous acres, and development parcels may be separated by existing roadways.
- 2. Permitted uses: single-family houses, agricultural uses and accessory uses as stated in section 160-73.
- 3. RRC density: The maximum RRC density shall be 0.16 units per net developable acre, plus one bonus dwelling unit in return for permanent open space dedication. In order to calculate the maximum permissible number of lots, the net developable acreage shall be multiplied by 0.16, to which one additional unit shall be added.
- 4. Minimum lot size: 40,000 square feet in the RRC district. All lots are subject to section 160-135 of this chapter as it relates to septic system design.
- 5. The site design of conservation cluster subdivisions should locate home sites on lands that can best support the installation of the dwelling, well, septic system and associated

site improvements, and preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, steep slopes, shallow bedrock, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or forested areas.

- 6. At least 65 percent of a tract proposed for conservation cluster subdivision in the RRC district shall be designated as open space and shall, as a condition of approval of the development, be deed restricted exclusively for recreational and/or agricultural and/or conservation use or conveyed to the township as open space.
- 7. All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
- 8. When a development plan incorporates open space, the applicant may, if both the applicant and the township agree, deed the open space to the township. If the development plan incorporates multiple ownership such as a cooperative or condominium, any open space not deeded to the township shall be owned and maintained by an association.
- 9. Passive open space should be left in its natural state, augmented for erosion control and aesthetic value by landscaping. Particular effort should be made to reduce future maintenance requirements. Improvements should be limited to pedestrian and bicycle circulation, hiking trails, picnic areas and similar uses.
- 10. Area reserved as permanent open space shall have a minimum contiguous area of not less than five acres and no portion thereof shall be less than 50 feet in width. At least 50 percent of the open space shall be uplands. The open space area(s) shall be contiguous to open space on adjoining parcels, where applicable, and shall include areas identified in the township's open space and recreation plan, including greenways.
- 11. The open space shall be reserved in perpetuity either by dedication for public use or for use by the residents of the development by private covenant or deed restriction for one of the following purposes:
- (a) Undeveloped open space.
- (b) Public or private recreational facilities.
- (c) Conservation of environmentally sensitive features including, but not limited to, steep slopes, wetlands, aquifer recharge area, floodplains and wooded areas.
- (d) Agricultural use.
- 12. Provision shall be made to ensure suitable maintenance of any area to be reserved by private covenant or deed restriction by the establishment of a property owners' association or other appropriate organization.
- c. Details required for preliminary plats.
- 1. Application submissions shall comply with section 160-225 of this chapter.
- d. *Design standards*. Conservation cluster subdivisions shall be governed by the design standards contained in subsection 160-73(B)(13)d.
- e. *Concept plan review*. An applicant for conservation cluster subdivision shall submit a concept plan of the subdivision to the planning board for review and comment in accordance with subsection 160-73(B)(13)e.

(Code 1979, § 160-403; Ord. No. 93-008, § 5, 1-20-93; Ord. No. 93-009, § 1, 1-20-93; Ord. No. 05-025, 11-4-05)

HOPEWELL TWP

Large Lot Zoning and Non-Contiguous Clustering

17-160 MOUNTAIN RESOURCE CONSERVATION (MRC) AND VALLEY RESOURCE CONSERVATION (VRC) DISTRICTS.

a. *Purpose*. The purpose of these districts is to implement the goals, objectives and principles of the 2002 Master Plan relative to protecting environmentally sensitive areas, recognizing development capacity limitations established by natural resource capabilities, maintaining the rural character and providing for sustainable development. These districts have been designed to comprehensively address the interrelated goals of protecting groundwater quantity and quality, maintaining surface water resources, conserving the scenic rural character, addressing limiting soil conditions and promoting continued agricultural use opportunities, while also providing a range of development opportunities that offer alternatives for the landowner.

The maximum density of units per gross acre of land in the VRC District shall be 0.17 units per acre, and in the MRC District shall be 0.075 units per acre.

- 2. Open lands subdivisions are permitted on tracts of 18 acres or more in the VRC District and 40 acres or more in the MRC District. This option is intended to promote the retention of large contiguous wooded tracts and large farm tracts, and to promote the aggregation of smaller wooded and farm parcels. It is also intended to encourage and promote flexibility, economy and environmental soundness in subdivision layout and design. The following standards shall apply to open lands subdivisions.
- (a) The open lands development plan shall not result in a greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for an open lands subdivision, a conforming plan of a conventional subdivision shall be submitted, based on minimum lot areas of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards.

The number of lots on the concept plan shall be the maximum number of lots permitted under an open lands subdivision.

- (b) At least 60 percent of the tract, if located in the VRC District, and 75 percent of the tract, if located in the MRC District, shall be designated as "open lands" and shall, as a condition of approval of the development, be deed restricted for agricultural or conservation use. Lots qualifying as open lands shall be permitted a primary residence and other accessory building or uses as provided in this section.
- (c) At least 60 percent of designated "open lands" shall be some combination of unconstrained land area, or prime soils or soils of statewide importance, or prime forested area. On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
- (d) For tracts of 100 acres or less, the open lands shall be contained in one deed-restricted contiguous parcel; for tracts greater than 100 acres, the open lands may be composed of noncontiguous parcels, provided that each open lands area shall contain at least 50

- contiguous acres. When noncontiguous parcels of at least 50 acres are provided, each parcel may have a residence, provided that the total density is not exceeded.
- (e) All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
- (f) The design of the development utilizing this option shall foster the following objectives: retention of large contiguous farmland areas; retention of large contiguous prime forested areas; stream corridor and wetlands preservation; aquifer recharge protection; steep slope protection; overall site design; reduction of impervious coverage; traffic circulation; and, sensitivity to the site's natural features, topography and relationship to open lands on neighboring parcels.
- (g) In forested areas, the design of the development shall include a 200 foot buffer along existing roads, which shall either maintain existing woodlands or establish new forested areas for those areas that are disturbed during site development or are currently cleared. The intent of this provision is to maintain the scenic roadside views in the township.
- (h) Development on hillsides shall be located at an appropriate point in the foreground to midground of the hill so that the development does not create a barrier visible from the existing road.
- (i) Natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage ridge lines shall be preserved wherever possible in designing any development containing such features. As part of the subdivision or site plan review process, development should be designed to preserve scenic vistas and views of cultural/historic landmarks and of unique geologic and topographic features. On hillsides, development should be sited below the ridgeline and the height and location of development should protect unobstructed views of the ridges from public roadways.
- (j) The applicant is advised to submit a concept plan of the open lands subdivision for review and comment in accordance with this chapter.
- 3. Cluster subdivisions on tracts of 18 acres or more in the VRC District and 40 acres or more in the MRC District are permitted in accordance with the following standards:
- (a) The cluster subdivision development plan shall not result in a greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for a cluster subdivision, a conforming plan of a conventional subdivision shall be submitted, based on minimum lot areas of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under a cluster subdivision.
- (b) The minimum open space shall be 60 percent of the total tract in the VRC District, and 75 percent of the total tract in the MRC District.
- (c) Areas reserved as permanent open space shall have a minimum contiguous area of not less than five acres and no portion thereof shall be less than 50 feet in width. At least 50 percent of the open space shall be unconstrained lands. The open space area(s) shall be contiguous to open space on adjoining parcels, where applicable, and shall include areas identified in the township's open space and recreation or conservation plans, if any, including greenways.
- (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural

lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.

- (e) The open space shall be reserved in perpetuity either by dedication for public use or for use by the residents of the development by private covenant or deed restriction for one of the following purposes:
- (1) Undeveloped open space.
- (2) Public or private recreational facilities.
- (3) Conservation of environmentally sensitive features including, but not limited to, steep slopes, wetlands, aquifer recharge areas, floodplains and wooded areas.
- (4) Agricultural use.
- (f) The proposed development shall comply with the standards contained in sections 17-160i,2(f), (g), (h) and (i).
- (g) Provision shall be made to ensure suitable maintenance of any area to be reserved by private covenant or deed restriction by the establishment of a property owners' association or other appropriate organization.
- (h) Nothing contained herein shall be construed to require the planning board to approve any subdivision employing clustering if said subdivision is in conflict with any provision of the Hopewell Township Master Plan or if said subdivision will, in any way, result in a land use pattern that will adversely affect that portion of the township in which it lies.
- (i) The applicant is advised to submit a concept plan of the cluster subdivision for review and comment in accordance with the ordinance.
- 4. Lot averaging subdivisions are permitted on tracts of 18 acres or less in the VRC District and 40 acres or less in the MRC District in accordance with the following standards:
- (a) The lot averaging development plan shall not result in greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for a lot averaging subdivision, a conforming plan of a conventional subdivision shall be submitted, based on a minimum lot size of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards.

The number of lots on the concept plan shall be the maximum number of lots permitted under a lot averaging subdivision.

- (b) A lot averaging subdivision may be permitted when the applicant proposes a distribution of 1~t areas within the subdivision that results in at least 60 percent of the lots having a minimum lot area between 80,000 square feet and 120,000 square feet, except in the case of a two lot subdivision, in which case one of the two lots shall be 80,000 square feet to 120,000 square feet.
- (c) The site design of lot averaging subdivisions should shift the more intensive development toward those lands that can best support the installation of the dwelling, well, septic system and associated site improvements. Similarly, lot averaging should seek to preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, steep slopes, shallow bedrock, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or prime forested areas.
- (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural

lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.

- (e) The proposed development shall comply with the standards contained in sections 17-160i,2(f), (g), (h) and (i).
- (f) The deed for any lot created by lot averaging shall contain a restriction against its further subdivision for the purpose of creating an additional lot or lots.
- (g) The applicant is advised to submit a concept plan of the lot averaging subdivision for review and comment in accordance with the ordinance.
- 5. Conventional subdivisions shall comply with the standards contained in sections 17-160i,2U), (g), (h) and (i). Lots in conventional subdivisions shall front on local streets.
- j. Noncontiguous Cluster Development in the MRC and VRC Districts.
- Purpose. The purpose of this subsection is to provide a mechanism for the transfer of development potential from properties in the MRC and VRC Districts to municipally designated hamlets in the VRC District. The intent of this provision is to provide an opportunity to create an alternative development opportunity that furthers the goals of resource conservation in the township, while also providing a development form that supports the goals and policies of the master plan.
- 2. Allocation of Standards for the Transfer of Development Potential.
- (a) Land in the MRC District is allocated one dwelling unit per 7 acres for the transfer of development to a municipality designated hamlet.
- (b) Land in the VRC District is allocated one dwelling unit per 3 acres for the transfer of development to a municipally designated hamlet.
- 3. Limitations on the Use of Development Transfers. The owner of the land from which development potential has been obtained shall deed restrict the use of the land in perpetuity to those resource conservation uses authorized and enumerated in the sale or conveyance of the development potential.
- k. Standards for the Municipal Designation of Hamlets in the VRC District. Hamlets in the VRC District shall be municipally designated and located in accordance with the following criteria:
- (a) The hamlet shall be located on a county road as shown on the circulation plan element in order to provide appropriate transportation linkages.
- (b) The hamlet shall be located in proximity to existing residential development and community facilities, so that the area can form a neighborhood and utilize these community resources.
- (c) The hamlet shall be located where suitable soils for on-site wastewater disposal exist so that a community wastewater system can be developed. The wastewater treatment system shall incorporate the best available technology as approved by
- the N.J. Department of Environmental Protection; avoid the discharge of untreated wastewater to the groundwater; and be operated by a licensed and franchised utility regulated by the Board of Public Utility Commissioners.
- (d) The hamlet shall be located on a tract with a mix of woodland and open fields, so that the site design can take advantage of these features and the development can be attractively designed and shielded/screened.
- (e) The hamlet shall be located where the Stockton/Passaic formations underlie the site.
- (f) The hamlet is permitted only in the VRC District, although development may be transferred to the hamlet from the MRC District as well as the VRC District.
- (g) The hamlet shall be located in an area where aquifer testing demonstrates that sufficient water supplies are available to sustain the proposed development, in accordance

with township ordinances or where public water supply provided by a water utility regulated by the Board of Public Utilities is available.

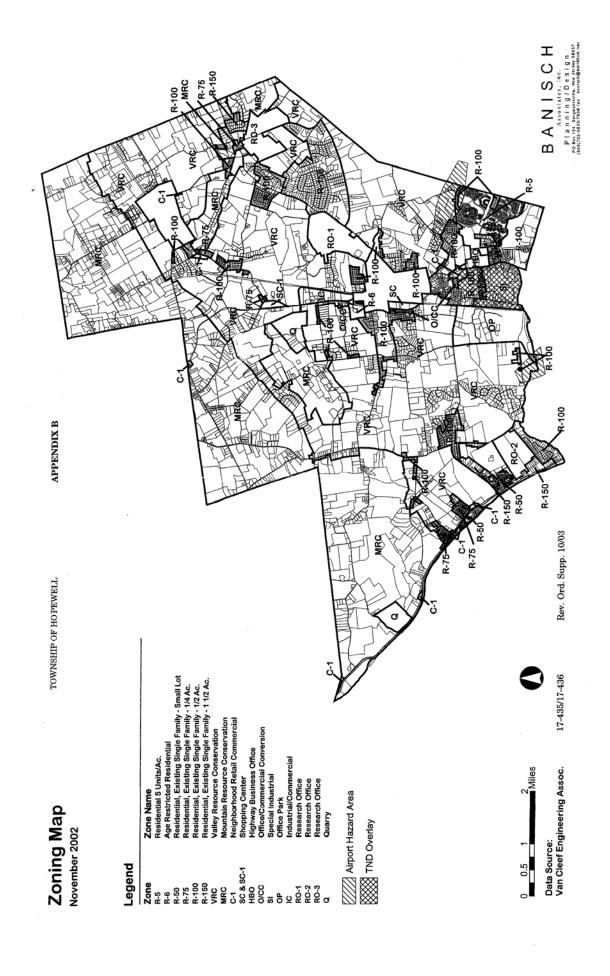
- 2. The hamlet shall be designated only when contiguous and/or noncontiguous parcels are preserved from development through the transfer of development potential.
- 3. The hamlet shall be designated by the planning board upon the approval of a planned development incorporating the above features and meeting the standards of section 17-1601 below.

Development Standards for Hamlets in the VRC District.

- 1. Tract Size. The hamlet shall have a minimum size of 60 acres and a maximum size of 85 acres.
- 2. Density. The minimum density shall be 2.5 units per acre and the maximum density shall be 3 units per acre.
- 4. Minimum Lot Size and Lot Development Standards for Residential Uses. The minimum lot size for single family residential lots shall be 7,500 square feet, with a minimum frontage and width of 50 feet, a minimum front yard of 20 feet, minimum side yards of 10 feet, minimum rear yard of 25 feet, maximum building height of 35 feet and maximum lot coverage of 35 percent. Atrium homes, patio homes, townhouses, duplexes and quadplexes are permitted in accordance with the standards in section 17-92d,3.
- 5. Office and Retail Commercial Development. The hamlet shall include nonresidential uses consisting of retail shops for the convenience of the residents and/or offices for professionals and telecommuters, which may include residential uses in combination with the nonresidential uses. The nonresidential development shall be provided at a maximum ratio of 75 square feet of commercial/office space per residential unit. The design of nonresidential development shall respond to the specific location and needs of the planned community. In some cases the appropriate location for nonresidential development is the interior of the hamlet, so that pedestrian linkages are increased and motor vehicle movements reduced. In other cases the nonresidential development should be located at the edge of the hamlet in order to provide services to the surrounding community. A design that integrates both functions may be the most appropriate in certain locations.

The minimum lot size for nonresidential lots, or lots with a mix of nonresidential and residential uses, shall be 20,000 square feet, with a minimum frontage and width of 90 feet, a minimum front yard of 30 feet, minimum side yards of 15 feet, minimum rear yard of 35 feet, maximum building height of 35 feet and a maximum lot coverage of 60 percent.

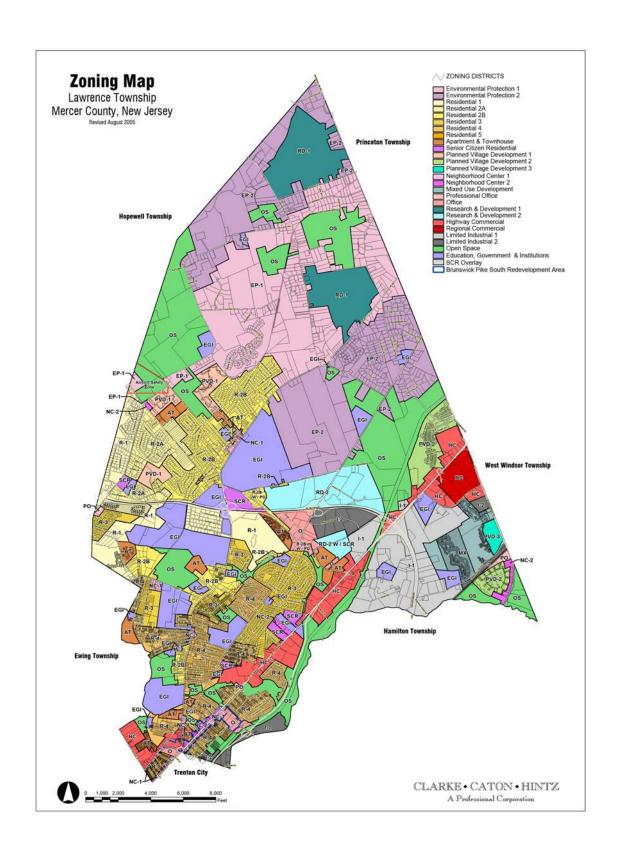
6. Public and Quasi-Public Uses. The hamlet shall include at least 40 percent of the tract in open space and parks, including a greenbelt around the hamlet, and may include public uses such as community buildings and quasi-public uses such as a house of worship



LAWRENCE

Transfer of Development Credits: Land Use Ordinance §421(RC)

- H. Use of Transfer Development Credits. The floor area ratio established for the Regional Commercial zone may be increased by adding credits transferred from sending districts in the EP-1 and EP-2 districts; or, from open space in any district of the Township upon approval by the Township Council. Credits shall be established by the purchase of development rights on land identified for preservation on the Rural Character Map of the adopted Master Plan, dated June 2, 1995 or as it may be amended or superseded. Lands to be preserved are labeled with the numbers 1, 2 or 3, corresponding to the priority ranking for the purchase of development rights. Number 1 shall be the highest ranking, number 2 the next highest ranking and number 3 the lowest ranking. Lands in the EP-1 and EP-2 districts that have not been identified with a numerical ranking are ineligible for use of transfer development credits.
- 1. Standards for acceptance of credits. The following additional provisions shall be met prior to acceptance of the eligibility of transfer development credits:
- a) The land in the EP-1 or EP-2 district constituting the sending area shall be deed restricted to those uses permitted under the state agricultural farmland preservation program or for conservation.
- b) Only those lands not previously restricted from development shall be eligible as sending areas.
- c) Deed restrictions and transaction recording instruments shall be reviewed and approved prior to filing with the Recorder of Deeds by the Township or Planning Board Attorney as appropriate.
- d) Density transfer shall occur at the time of the filing of the recorded instrument.
- e) The minimum land area eligible for sending of transfer development credits shall be equal to or greater than 10 acres.
- 2. Density Bonus. The bonus floor area ratio (FAR) to be added to the base permitted floor area ratio shall be calculated using the following formulas, but in no case shall the total floor area ratio of the entire tract exceed .40:
- a) Land classified as rank number 1: Acreage/2,500=FAR Bonus
- b) Land classified as rank number 2: Acreage/3,125=FAR Bonus
- c) Land classified as rank number 3: Acreage/3,750=FAR Bonus
- 3. Upon a demonstration by the applicant for a floor area ratio bonus that the applicant has made a good faith effort to purchase development rights in the EP-1 and EP-2 districts, the Board may permit the applicant to make a contribution in lieu of such purchase. The contribution shall equal the cost of purchasing development rights directly. The value of the development rights shall be based upon an appraisal of land classified as rank number 1 as determined in this subsection. The appraiser shall be selected by the municipality and such services shall be paid through an escrow account established by the municipality and funded by the applicant as a professional fee pursuant to *N.J.S.A.* 40:55D-53.2.



WASHINGTON

TDR* Sending and Receiving Zones and Clustering Provisions

*See Planned Unit Residential Option in section L of this ordinance. This ordinance was utilized by the Township for increasing density in its nationally known Town Center zone while deed restricting lots in the RA zone. The legality of the ordinance has been questioned and is currently under review and revision by the Township.

§ 142-13. RA Rural Agricultural District. [Amended by Ord. No. 88-10; Ord. No. 89-14; Ord. No. 94-18; Ord. No. 95-3; 9-11-1997 by Ord. No. 97-21; 10-8-1998 by Ord. No. 98-18; 4-27-2000 by Ord. No. 2000-11; 12-28-2004 by Ord. No. 2004-39; 5-26-2005 by Ord. No. 2005-12]

- A. Preamble. The Rural Agricultural Zone is intended to preserve the rural land use pattern and visual character by allowing low-density residential units while encouraging farms and related uses. The permitted density is low and the development permitted will generally not benefit from public capital expenditures. The permitted density is one unit per two acres, which recognizes the septic unsuitability and seasonal high water table of many of the soil types. Agricultural and conservation easements are encouraged to retain viable farmland.
- B. Principal permitted uses on the land and in buildings.
 - (1) Farms, as defined in § 142-7 of this chapter, provided that if ponies, horses, cows, sheep, fowl, or various livestock are kept on the farm, then in that event the farm shall provide a building for the shelter and care of the animals in accordance with § 142-34C of this chapter, and all such livestock shall be contained within fenced areas.
 - (2) Single-family detached dwelling units.
 - (3) Public playgrounds, conservation areas, parks and public purpose areas.
 - (4) Mausoleums and columbariums shall be restricted by the provisions of § 142-63C.
 - (5) Cluster residential development in accordance with the provisions of this chapter.
- C. Accessory uses and buildings permitted are as follows:
 - (1) Greenhouses are a permitted accessory use and structure, provided that the aggregate square footage of all structures situated on the site do not exceed 55,000 square feet or 15% coverage of the total lot area, whichever is less.
 - (2) Landscape contracting, tree pruning services, firewood processing, wood mulches and sales of products grown on the site are permitted accessory uses, provided the activities are subordinate to the permitted primary use of the site, including, but not limited to, a farm, forest tract or nursery, with a minimum lot size of five acres.
 - (3) Structures used for private and commercial horticultural, agricultural or forestry purposes, exclusive of greenhouses and stables.
 - (4) The keeping of horses, ponies, cows, sheep, fowl or other farm livestock in those areas classified as farms in accordance with § 142-7.
 - (5) The keeping of horses, ponies, cows, sheep, fowl or other farm livestock, with a minimum of five acres for every two animals, only in fenced areas in those areas not classified as farms.
 - (6) Noncommercial dog kennels housing not more than six dogs, provided that no building or outside enclosures shall be permitted within 100 feet of any lot line.
 - (7) All agricultural activities and farm-related uses of land, including, but not limited to, the sale of agricultural, horticultural or forestry produce or products which have been raised on the property from which it is sold and freezing lockers or other similar facilities for the sale, storage and processing of farm and livestock produce, including the sale of firewood, which has been raised on the farm from or on which it is to be

sold, stored or processed; provided, however, that the issuance of a permit therefor shall first have been approved by the Planning Board, after public notice and hearing, on the basis that adequate lot area and yard spaces are provided, that the buildings and use will not adversely affect the neighborhood and that adequate parking space is provided for as many customers and employees as might be expected on the premises at one time.

- (8) Private residential swimming pools and tennis courts. See §§ 142-52 and 142-53.
- (9) Fences and walls, provided that no fences or walls for the containment of ponies, horses, cows, sheep, fowl or other farm livestock shall be located within 100 feet of any property or street right-of-way line. See § 142-37 for additional standards.
- (10) Private residential toolsheds not to exceed 12 feet in height measured to the highest point in the roof line nor eight feet measured to the top of the highest sidewall and not greater than 300 square feet in area; provided, however, that not more than one such toolshed per lot shall be a permitted accessory building.
- (11) Campers, travel trailers, boats and other movable property, to be parked or stored in rear or side yards only, at least 20 feet from the rear and side property line. The dimensions of any camper or travel trailer shall not be counted in determining total building coverage, and such vehicles shall not be used for temporary or permanent living quarters while situated on a lot.
- (12) Off-street parking and private garages.
- (13) Satellite antenna dishes shall be permitted in the side or rear yard only within the side and rear yard setbacks, and shall not be mounted on any structure, but shall be permanently located on the ground.
- (14) Home occupations. See § 142-62B.
- D. Conditional uses.
 - (1) Office research. See § 142-63A.
 - (2) Nursery schools and day-care centers. See § 142-63B.
 - (3) Cemeteries. See § 142-63C.
 - (4) Churches and other places of worship; Sunday school buildings and parish houses and rectories. See § 142-63M.
- E. Area and yard requirements.
 - (1) Minimum requirements for principal buildings and structures (detached dwellings in the RA District):
 - (a) Lot area: 87,120 square feet.
 - (b) Lot frontage: 250 feet.
 - (c) Lot width: 250 feet.
 - (d) Lot depth: 300 feet.
 - (a) Lot deptil. 000 lect.
 - (e) Side yard, each: 50 feet.
 - (f) Front yard: staggered ranging from 75 feet to 200 feet.
 - (g) Rear yard: 50 feet.
 - (2) Minimum requirements for accessory building: Editor's Note: See § 142-62, Accessory uses, for additional standards applicable to accessory buildings.
 - (a) Distance to side line: 50 feet.
 - (b) Distance to rear line: 30 feet.
 - (c) Distance to other buildings: 20 feet.

- (d) As to toolsheds only, distance to side line: 15 (feet).
- (e) As to toolsheds only, distance to rear line: 15 (feet).
- (3) Maximum requirements (detached dwellings in the RA District):
 - (a) Building coverage of principal building: 10%.
 - (b) Building coverage of accessory building(s): 2%.
 - (c) Impervious surface ratio: 0.15.
 - (d) Building height: 2 1/2 stories or 35 feet.
- (4) Minimum required usable development area. All lots in the RA District shall provide a minimum usable contiguous development area equivalent to or greater than 25,000 square feet; provided, however, that no less than 20,000 square feet within a minimum usable contiguous development area shall be located within the required setbacks for locating a principal building and further provided that the portion of the usable contiguous development area within that principal building envelope shall be of such dimensions that a circle of not less than 100 feet can be scribed within it. No development of structures shall be permitted on existing slopes of 12% or greater. All development shall be designed to minimize disturbance of development sites to the greatest extent practicable. Development shall be designed to minimize disturbance within the usable development area to the greatest extent practicable.
- (5) Minimum lot areas shall not include lands which are within an existing one-hundred-year floodplain, wetlands, wetland transition areas and lands which have slopes of 25% or greater. Lands with existing slopes of 14% to 24.9% shall not exceed 25% of the permitted lot area. Lands with existing slopes of 10% or greater shall not exceed 50% of the minimum permitted lot area.
- F. Three-acre lot size. See § 142-56 for reduced street requirements applicable to rural agricultural development on lots of three or more acres.
- G. Minimum off-street parking.
 - (1) Two spaces per two-bedroom dwelling unit, plus a paved or graveled turnaround if applicable. See § 142-42I(4) for parking standards for larger bedroom units.
 - (2) Churches shall provide one space per every five permanent seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches.
 - (3) See § 142-42 for additional standards.
- H. Curbing and sidewalks shall be provided along all public and private roads. See § 142-44A(4) for street tree requirements.
- I. Signs. See § 142-49 for standards.
- J. All other applicable general provisions and design standards of Article V shall be met.
- K. Cluster residential option. See § 142-65.
- L. Planned unit residential development option.
 - (1) Purpose. The planned unit residential development (PURD) option is intended as a method of preserving land within the Rural Agricultural District by allowing landowners the option of transferring their right to develop land to the Town Center District or any other district so designated in this chapter and thereby restricting the subject property in perpetuity for agriculture, conservation land or recreation, except as modified herein. This option will preserve land in locations where there is limited infrastructure while directing development to areas most suited for housing and other development within the Township.
 - (2) Statutory authority. This subsection is established pursuant to the provisions of N.J.S.A. 40:55D-39b for noncontiguous planned unit residential development. See § 142-86 for

PURD process.

- (3) Eligibility requirements. The following eligibility requirements shall be met in order for an applicant or developer to exercise the planned unit residential development option:
 - (a) The minimum area of the total of all lands within the noncontiguous (PURD) shall be six acres exclusive of utility rights-of-way.
 - (b) The tract shall be designated on the Land Preservation Plan of the Township Master Plan, dated January 2002, or as a formally adopted Priority Open Space Acquisition/Preservation Plan developed in accordance with criteria established by ordinance, as it may be last amended or superseded. The Land Preservation Plan shall be a subplan element of the Master Plan of the Township of Robbinsville and shall be amended or superseded pursuant to the provisions of applicable law.
 - (c) The tract shall not be subject to existing deed restrictions or other prohibitions on further development or subdivision; or, has had its rights to sewer allocation purchased and/or retired.
 - (d) The tract shall not be owned by a government, government agency, or other political subdivision; a public utility as defined in N.J.S.A. 48:2-13; or an interstate energy transmission company regulated by the Federal Energy Regulatory Commission.
 - (e) The provisions of this Subsection L(3) shall not apply to the Township in the exercise of its authority pursuant to § 142-87 hereof.
- (4) Determination of development credits. The number of development credits to which each landowner is entitled shall be determined by the Planning Board in accordance with the following calculations:
 - (a) Soil types. Each parcel designated on the Land Preservation Plan has been mapped utilizing the US Department of Agriculture's Soil Conservation criteria for septic suitability based on the soil types surveyed in Mercer County. Each soil has been classified for septic suitability into three categories: slight, moderate and severe limitations. In Robbinsville Township, several soil types have septic suitability ranging from moderate to severe and shall be considered to have severe limitations for the purposes of the determination of development credits. The amount of land for each parcel in each of the three categories is found in the Allocation Table established in Subsection L(6). The calculation for determining credits is based on the zoning in place for each parcel at the time of adoption of this Subsection L and on soil types is as follows:
 - 0.5 credit x acreage with slight septic suitability, +
 - 0.3 credit x acreage with moderate septic suitability, +
 - 0.05 credit x acreage with severe septic suitability =
 - Standard credits
 - (b) Bonus credits. In addition to the credits allocated to each parcel based on the limitation for septic system disposal, bonus credits shall be added to the total credits in accordance with the priority ranking number assigned as indicated on an adopted Priority Open Space Acquisition/Preservation Plan in accordance with the following allowances:

Priority Ranking 1 = 20% of total credits

Priority Ranking 2 = 10% of total credits

Priority Ranking 3 = no bonus credits

- (c) Regardless of the calculation of credits in Subsections L(4)(a) and (b) hereinabove, each eligible tract within the Rural Agricultural District and identified on the Land Preservation Plan shall be entitled to a minimum of one credit.
- (d) Eligible properties consisting of sufficient acreage shall be entitled to one residual

residential lot for every 50 acres of land preserved pursuant to this subsection. The number of residual residential lots associated with any preserved parcel(s) shall not exceed three notwithstanding the total number of preserved acres. The residual residential lots shall comply with all lot area and design standards of the Rural Agricultural Zone District and shall be located and established by Planning Board approval. One full credit shall be deducted from the total credits to be transferred from the tract, as a result of the creation of the residual residential lot, and so recorded in the record of transfers.

- (5) Appeal of determination of credits. Any landowner or person with an equity interest in property eligible for participation in the PURD option may appeal the allocation of credits in accordance with the procedures set forth below. Any appeal of a credit allocation shall occur prior to the recording of a deed restriction preventing further development of the property in accordance with § 142-86D(2).
 - (a) Notice of appeal. The parcel owner shall submit a properly completed notice of appeal and required application and review fees to the Planning Board Secretary. The notice shall include the following information:
 - [1] Date of appeal.
 - [2] Name(s) and mailing address(es) of all property owners.
 - [3] Copy of the latest deed to the property.
 - [4] Title report if so requested by the Planning and Zoning Administrative Officer if reason exists to believe that the property is the subject of a development restriction.
 - [5] Block and lot number(s) of the tract parcel(s).
 - [6] Acreage of parcel(s) pursuant to Tax Map or property survey.
 - [7] Number of credits assigned to the parcel pursuant to the Allocation Table and number requested by the applicant.
 - [8] Supporting documentation which fulfills the requirements of the appeal process as set forth in Subsection L(5)(b) hereinbelow.
 - [9] Signature of applicant(s) and landowner(s), if different from applicant.
 - [10] The appeal shall be publicly noticed in the same manner as notices for other applications for development in accordance with N.J.S.A. 40:55D-12.
 - (b) Conceptual subdivision plan required. In order to appeal the allocation of credits, a conceptual subdivision plan conforming to submission requirements of the conceptual subdivision checklist and the Rural Agricultural District yard and lot layout standards without variance shall be submitted. Percolation test results shall be submitted and approved by the Robbinsville Township Board of Health certifying the viability for each proposed building lot for on-lot effluent disposal. The Planning Board shall determine the lot yield for the tract within the time for action required of a preliminary subdivision application pursuant to N.J.S.A. 40:55D-48c, once a complete application has been submitted. Each lot that the Planning Board finds to be without variance and certified by the Board of Health shall be assigned one credit and the total of all credits for the subject property recorded in the Allocation Table.
 - (c) Appeal of Planning Board decision. Appeal of a Planning Board decision in the determination of the allocation of credits shall be made to a court of competent jurisdiction as provided for by law.
- (6) Allocation Table and record of transfers.
 - (a) The Department of Planning and Zoning, or another agency designated by the governing body of the Township, shall keep and record the number of credits assigned to each parcel of land, whether determined by formula or by appeal, in

the Allocation Table (attached hereto as Exhibit A) Editor's Note: The Allocation Table is on file in the Township offices. and as amended from time to time as established in Subsection L(6) and incorporated herein by reference. The Allocation Table shall also include the block and lot number(s) of the subject land, property owner's name, property address, total area of land, and percentages of land with soils of severe, moderate and slight constraints for use of on-site effluent disposal as determined in Subsection L(4)(a). The Allocation Table shall be updated whenever the Planning Board approves an appeal or by decision of a court of competent jurisdiction. The Allocation Table shall be a public record.

- (b) The Municipal Clerk shall mark each transfer of credits from the sending parcel to the receiving parcel in a record of transfers. The record of transfers shall include the block and lot number(s) to which credits shall be transferred from and to, the respective landowners and their addresses, the transferring entity, and the use of credits by date, number, and any other information deemed pertinent by the administrative officer or its designee. The record of transfer shall be a public record.
- (c) The actual transfer of credit shall take place only after approval and fulfillment of all conditions of the PURD required by the board of jurisdiction and recording of an easement preventing future development in accordance with the provisions of § 142-86D(1). No residual credits shall remain attached to the land in the Rural Agricultural District that is the subject of the PURD transfer once that the transfer is complete except for the residual residential lot(s) created pursuant to Subsection L(4)(d) hereof.
- (7) Partial credit. A landowner may elect to include only a portion of the total parcel within the PURD tract area for the purposes of transferring credits to the Town Center Districts under the following requirements:
 - (a) The minimum area for the transfer parcel shall be six contiguous acres and shall include frontage on an existing street. The precise amount of frontage to be included in the tract area shall be determined on a case-by-case basis. Parcels to be preserved due to environmentally sensitive conditions or with the intent of being preserved in conjunction with other parcels to be preserved on contiguous tracts may be exempted from the frontage requirement by the Planning Board.
 - (b) The part to be transferred shall constitute a minimum of 50% of the total tract area within the Rural Agricultural District.
 - (c) The number of credits to be transferred shall be determined pursuant to a conceptual subdivision plan on the land area so designated for transfer pursuant to the appeal process of Subsection L(5).
- (8) Use of land after transfer. Land included in the rural agricultural preservation portion of the PURD shall be deed restricted to the following allowed uses:
 - (a) Public open space dedicated to a government or land trust; however, nothing shall be construed by this subsection to require the dedication of the land for public open space.
 - (b) Agricultural uses as defined by § 142-7 and all other activities specifically permitted by the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1 et seq.
 - (c) Permissible improvements allowed in conjunction with the principal use of Subsection L(8)(a) hereinabove are as follows:
 - [1] Playground and recreation equipment, athletic fields, nature and fitness trails with ancillary parking and rest room facilities.
 - [2] Equipment and maintenance building not exceeding 1,000 square feet in area.
 - [3] Installation of underground utilities, headwalls and end walls, but not to

include stormwater management basins.

- [4] Widening of existing street rights-of-way by a governmental agency.
- (d) Permissible improvements allowed in conjunction with the principal use of Subsection L(8)(b) hereinabove are as follows:
 - [1] Farmstead in accordance with the provisions of Subsection L(9).
 - [2] All improvements permitted by the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1 et seq.
- (9) Retention of existing house and farmstead. Landowners desiring to retain an existing single-family detached house or farm stand on land proposed for transfer of credits shall meet the following requirements:
 - (a) The applicant may simultaneously file an application for minor subdivision approval with that of the PURD application to create a lot for the existing residence or farmstead. The minor subdivision application shall not be subject to the creeping subdivision provisions of the definition of minor subdivision whereby any second subdivision of land subsequent to 1967 involving the same tract shall be deemed a major subdivision.
 - (b) The lot proposed for subdivision containing the existing single-family detached house or farmstead shall meet the minimum standards for lots within the Rural Agricultural District (see § 142-13E), but shall not exceed four acres in area.
 - (c) The applicant in the alternative may seek to have the existing single-family detached house or farmstead and surrounding area, not to exceed four acres, treated as an exception from the deed restriction imposed on the remainder of the preserved tract or part thereof.
 - (d) The newly created lot for the existing residence or farmstead shall be deed restricted from further subdivision.
 - (e) One full credit shall be subtracted from the total credits to be transferred from the tract and so recorded in the record of transfers.

PORTION OF § 142-19. TC Town Center District. [Amended by Ord. No. 93-2; 3-27-1997 by Ord. No. 97-9]

A. Legislative intent.

- (1) This section is intended to create the standards and requirements for the Town Center (TC-1 through TC-4 Zone Districts) which has been proposed in some form in Township Master Plans dating back to 1986. The governing body seeks to create a mixed use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities to the zone district.
- (2) The Town Center District is also intended to integrate newly developed lands within the district with existing properties in and around the existing Village of Robbinsville, some of which are presently commercial and some of which are residential. It is intended that most of these existing properties will eventually be converted to commercial mixed use or commercial/office/retail urban apartments.
- (3) The governing body has promulgated a series of policy statements as listed in Subsection B hereof which are to be considered in reviewing all development applications involving lands located in the Town Center. Requests for variances, waivers or deviations from the ordinance provisions of this section shall be evaluated in

the context of the impact the same may have on the policy statements established by the governing body.

- (6) Town Center subsection delineation.
 - (a) The Town Center shall be comprised of four individual subsections which have been planned and designed based upon their respective locations from existing roads and utilities and existing buildings and features so as to promote a contiguous integrated Town Center. The zone districts as proposed are set forth on the attached zone identification map which is appended hereto and incorporated herein by reference. Editor's Note: The zone identification map is on file in the Township offices. Those districts are as follows:
 - [1] TC-1 Zone.
 - [2] TC-2 Zone.
 - [3] TC-3 Zone.
 - [4] TC-4 Zone.
 - (b) The permitted uses for each section of the proposed Town Center are set forth in this section, and the design standards as applicable to each section of the Town Center are set forth in the Street and Building Regulatory Plan incorporated herein by reference.
 - (c) Unless expressly permitted, all other uses are deemed to be prohibited. The outdoor storage of commercial trucks, tractor trailers, recreation vehicles, tractors, campers and boats is prohibited in all subsections of the Town Center. [Added 7-10-1997 by Ord. No. 97-14]
- (7) Methods for increasing Town Center density.
 - (a) The transfer of previously approved units from another site located within the Township, which units to be transferred shall be incorporated into the density for the applicable portion of the TC Zone District of the Township and incorporated into the Base Grid for the appropriate district upon demonstration of the proportionate reduction of units from the previously approved site from which the units are being transferred. In the event the units are transferred from a previously approved development site, the increase in density shall be based upon a one-to-one ratio of transferred units to additional units permitted in the TC Zone District.
 - (b) Planned unit residential development credit transfer. Density may be increased through the transfer of credits from land within the Rural Agricultural District and identified as a proposed priority open space acquisition/preservation land(s) on the Land Preservation Plan, dated January 2002, as it may be last amended or superseded. Transfer shall occur only through the approval of a planned unit residential development application submitted in accordance with § 142-86. Regardless of the number of credits purchased, no use of credits shall result in exceeding the maximum density as set forth in Section 3, Building Regulating Plan, Subsection B1, General Residential Zone Criteria, Housing Unit Count. Editor's Note: Said Section 3, Subsection B1, is part of the Town Center Zoning and Design Regulations, which are included at the end of this chapter. [Amended 5-26-2005 by Ord. No. 2005-12]
 - (c) If approved by the governing body and Planning Board, the inclusion of low- and moderate-affordable-housing units previously not planned for by the Township and not previously incorporated in its Housing Element and Affordable Housing Plan, in order to increase density based upon this provision. The proposal to provide affordable housing units must also be approved by the Council of Affordable Housing as an amendment to the Township's Housing Element and Affordable Housing Plan. Any increase in density to be based upon this section shall be determined based upon the established guidelines by the Council on Affordable Housing and ratified by the governing body. The precise location and distribution of the affordable housing units, if any, and the phasing of development of same shall be subject to the review and approval by the governing body.

- (d) Transferred units shall be allocated to designated receiving districts within the Town Center Zone District. The actual construction of transferred units shall, however, only occur after the Base Grid has been the subject of final approval for that section of the Town Center to which the units are to be transferred.
- (e) For purposes of this section, no transfer of previously approved units located within the Town Center will be permitted to be made into any designated receiving district.

§ 142-65. Cluster residential development design option. [Amended by Ord. No. 88-10; Ord. No. 89-14; Ord. No. 94-18; Ord. No. 95-4; 12-28-2004 by Ord. No. 2004-39; 5-26-2005 by Ord. No. 2005-12]

The purpose of the cluster residential development design option is to provide residential design flexibility in order to preserve open space and pretest environmentally sensitive areas by reducing area and yard requirements. The cluster residential design option may be applied, by mutual agreement between the Planning Board and the developer, to subdivisions in the RA Rural Agricultural and R1.5 Low Density Residential Zone Districts. In order to promote maximum preservation of environmentally sensitive lands and open space for agricultural, passive recreational use, and active recreational use, lot averaging may be employed in order to promote subdivision design intended to create a more efficient utilization of open space and economy of land use in the design of cluster developments. The following shall apply to all cluster residential developments:

- A. A minimum tract size of 20 acres shall be required in the RA Zone District and 10 acres in the R1.5 Zone District.
- B. The maximum number of residential cluster lots shall not be greater than the number of lots which could be achieved on the tract by a conforming conventional residential development for noncluster development. A conceptual plan for an achievable conventional lot layout prepared in accordance with the RA or R1.5 Zone District requirements without variances shall be submitted to the Planning Board in order to determine the lot yield for the tract. Upon acceptance of the conventional or noncluster lot yield by the Planning Board, the applicant shall utilize the accepted lot yield for the cluster development.
- C. All remaining land in a proposed development, other than streets, building lots and public utilities, shall be set aside as open space for agriculture, conservation, recreation, historic preservation, park areas, buffers, common areas and other public purposes. Lands to be set aside may be deeded to the Township or to a homeowners' association.
- D. A design guideline of two acres is established as a minimum size for any open space parcel offered to the Township or homeowners' association. The minimum open space parcel size shall be no less than 10% of total tract area to be clustered.
 - (1) R1.5 cluster standards.
 - (a) Minimum requirements for principal buildings in an R1.5 cluster development:
 - [1] Lot area.
 - [a] The minimum lot size shall be 10,000 square feet and the maximum lot area shall not exceed 20,000 square feet. The average lot size for lots which are the subject of a cluster development shall be a minimum of 15,000 square feet exclusive of any open space or public purposes lot(s). No more than 10% of any building lot shall be encumbered by environmentally sensitive areas such as wetlands, wetlands transitions areas, flood lands which have steep slopes of 15% or greater, or stream corridors as otherwise defined in this chapter.
 - [b] Flexibility and variety in lot and building layout, roadway construction, utility design and other site improvements shall be encouraged to best

relate the improvements to the land. To that end, lots, buildings and utilities shall be designed so as to minimize the alteration of the natural terrain and fit into the open space environment of the R1.5 Low Density Residential District. The Planning Board may permit the use of a flag lot(s) if it furthers the permanent preservation of common open space and promotes sound planning in the context of existing cluster standards.

- [2] Lot frontage: 60 feet.
- [3] Lot width: 75 feet.
- [4] Lot depth: 60 feet.
- [5] Front yard: 25 feet.
- [6] Side yard: 10 feet.
- [7] Rear yard: 30 feet.
- (b) Minimum requirements for accessory buildings (see § 142-62 for additional standards applicable to accessory buildings).
 - [1] Distance to side line: 10 feet.
 - [2] Distance to rear line: 10 feet.
 - [3] Distance to other buildings: 15 feet.
- (c) Maximum requirements:
 - [1] Building coverage of principal building: 18%.
 - [2] Building coverage of accessory building(s): 4 1/2%.
 - [3] Building height: 2 1/2 stories or 35 feet.
 - [4] Impervious surface ratio: 0.35.
- (2) RA cluster standards.
 - (a) Minimum requirements for principal buildings in an RA cluster development:
 - [1] Lot area.
 - [a] The minimum lot size shall be 25,000 square feet and the maximum lot area shall not exceed 60,000 square feet. The average lot size for lots which are the subject of a cluster development shall be a minimum of 45,000 square feet exclusive of any open spaces or public purpose lot(s). No more than 15% of any building lot shall be encumbered by environmentally sensitive areas such as wetlands, wetlands transition areas, flood lands which have steep slopes of 15% or greater, or stream corridors as otherwise defined in this chapter.
 - [b] Since public sanitary servers are not available in the RA Zone District in order to qualify for the cluster option, adequate on-site or community sanitary disposal systems must be provided for their intended purpose as a condition of any approval to allow for use of the cluster option.
 - [c] Flexibility and variety in lot and building layout, roadway construction, utility design and other site improvements shall be encouraged to best relate the improvements to the land. To that end, lots, buildings and utilities shall be designed so as to minimize the alteration of the natural terrain and fit into the open space environment of the RA Rural Agricultural District. The Planning Board may permit the use of a flag lot(s) if it furthers the permanent preservation of common open space and promotes sound planning in the context of existing cluster

standards.

- [2] Lot frontage: 100 feet.
- [3] Lot width: 100 feet.
- [4] Lot depth: 100 feet.
- [5] Front yard: 35 feet.
- [6] Side yard: 25 feet.
- [7] Rear yard: 50 feet.
- (b) Minimum requirements for accessory buildings (see § 142-62 for additional standards applicable to accessory buildings).
 - [1] Distance to side line: 50 feet.
 - [2] Distance to rear line: 30 feet.
 - [3] Distance to other buildings: 20 feet.
- (c) Maximum requirements.
 - [1] Building coverage of principal building: 15%.
 - [2] Building coverage of accessory building(s): 3%.
 - [3] Building height: 2 1/2 stories or 35 feet.
 - [4] Impervious surface ratio: 0.20.
- E. The land designated for open space shall include, wherever feasible, areas worthy of preservation such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value, as well as sites valuable for their historical significance. The developer may be required to plant trees or make other similar landscaping improvements to such areas. The land designated for open space areas shall be subject to approval by the Township Planning Board in its review and evaluation of the suitability of such land and shall be subject to acceptance of the dedication by the governing body. Efforts should be made to assemble such land from adjoining areas so as to form continuous bands of open space.
 - (1) Active recreational facilities shall be provided in planned residential cluster developments, subject to the review and approval of the Planning Board. Such recreational facilities may be jointly provided by two or more developers within the district with convenient access to all users, provided that the facility and/or recreational area shall equal the recreational requirements of the participating properties served. The location of such recreational facilities shall be carefully planned to provide privacy for the users and to avoid problems of noise, lighting and similar nuisances which might interfere with their use and enjoyment by residents of the development.
 - (2) The design and use of open space areas interspersed among groupings of residential dwellings shall protect the natural terrain, woodlands, significant views and any unique and unusual feature. Open space other than that preserved for its natural values shall be suitably graded and landscaped. All structures within open space areas shall be sited as to retain their visual appeal. The roadways, lighting and such other improvements in the open space as shall be necessary to enhance the intended open space and recreational uses or accept a contribution in lieu of making such improvements.
- F. Buffers along major streets, railroads or nonresidential zone boundaries shall be in conformity with the provisions of § 142-44A(2)(b)[3].
 - (1) Buffers along major streets, railroads and/or nonresidential zone boundaries shall contain sufficient existing natural vegetation, proposed planting and/or fencing to become, within 10 years, a significant visual buffer and shall provide berms and/or sound barriers to minimize the impact of sound within the following buffer widths:

Transportation Facilities	Width (feet)	Minimum Building Setback (feet)
Railroad	100	150
New Jersey Turnpike	100	200
Arterial Roads — Route 130, 33, 526 and Loop Road	75	125
Municipal and county collector roads	50	100

- (2) Lands for recreation purposes shall be improved by the developer, including grading equipment, walkways and landscaping.
- (3) Buffer areas to the extent allowed in Subsection D(1)(a) and D(2)(a) may be included in individual building lots as easements to be maintained by homeowners.
- G. Open space deeded to the Township shall meet the following requirements:
 - (1) Documentation of title duly executed and in recordable form shall be delivered to the governing body accompanied by a certificate of title insurance from a New Jersey title insurance company attesting to good and marketable title.
 - (2) The documentation referred to above shall be in the form of a deed which shall remain in escrow with the Township pending completion of the project during which time the developer or subdivider, as the case may be, shall maintain the area and shall install any improvements thereon which may be required.
- H. Where open space or common property is generated, the Township will not take title to such land, a homeowners' association shall be established in accordance with N.J.S.A. 40:55D-43. The creation of the organization shall be approved by the Township Attorney and shall incorporate the following provisions which shall be submitted and approved prior to final plat approval:
 - (1) Membership in any created open space organization by all property owners shall be mandatory. Such required membership in any created open space organization and the responsibilities upon the members shall be in writing between the organization and the individual in the form of a covenant with each member agreeing to his liability for his pro rata share of the organization's costs and providing that the Township shall be a party beneficiary to such covenant entitled to enforce its provisions. The terms and conditions of the covenant shall be reviewed by both the Township Attorney and the Planning Board Attorney prior to final approval.
 - (2) Executed deeds shall be tendered to the Township simultaneously with the granting of final subdivision approval stating that the prescribed use(s) of the lands in common ownership shall be absolute and not subject to reversion for possible future development.
 - (3) The open space organization shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities that may be erected on any land deeded to the open space organization and shall hold the Township harmless from any liability.
 - (4) Any assessment levied by the open space organization may become a lien on the private properties in the development. The duly created open space organization shall be allowed to adjust the assessment to meet changing needs, and any deeded lands may be sold, donated or in any other way conveyed to the Township for public purposes only.
 - (5) The open space organization initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the development, along with the covenant and model deeds and the articles of incorporation of the association prior to the granting of final approval by the Township.
 - (6) Part of the development proposals submitted to and approved by the Township shall be

provisions to ensure that control of the open space organization will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold or occupied, together with assurances in the bylaws that the open space organization shall have the maintenance responsibilities for all lands which it holds title.

- I. All dwelling units in the R1.5 Zone Districts shall be connected to public sanitary sewer and water systems. Cluster developments in the RA Zone District which are to be served by individual septic disposal systems, or by a sewage treatment facility constructed by the developer, shall be reviewed and approved by the Township Health Officer, Township Engineer and Robbinsville Township Municipal Utilities Authority.
- J. Area and yard requirements shall apply to residential cluster developments in accordance with Schedule A hereof. Editor's Note: Schedule A was repealed in its entirety by Ord. No. 95-3.
- K. Street tree requirements. See § 142-44A(4) for street tree requirements.
- L. Toolsheds. Private residential toolsheds in cluster residential developments shall be permitted accessory buildings and uses, provided they conform to the maximum number, square footage and height limitations and the minimum distance to side line, rear line and other buildings requirements applicable to the zone district in which they are located.

§ 142-87. Township authority to sell purchased development credits. [Added 5-26-2005 by Ord. No. 2005-12]

- A. Table of eligible development credits acquired by Township. The table attached hereto as Exhibit B Editor's Note: Exhibit B is on file in the Township offices. and made part hereof sets forth the parcels of land within the Rural Agricultural District which the Township has acquired and the development credits allocated to each parcel as determined by the calculations in § 142-13L(4) which are eligible for sale by the Township pursuant to this § 142-87.
- B. Township authority. The Township shall be empowered to sell development credits it has purchased or otherwise acquired prior to the effective date of this § 142-87 from landowners within the Rural Agricultural District calculated and shown on the table attached hereto as Exhibit B to landowners within the Town Center District. Only parcels located in the Town Center Districts as set forth in § 142-86A meeting all of the following criteria are eligible to receive development credits purchased from the Township pursuant to this § 142-87:
 - (1) The Town Center District parcel to which the development credits are to be transferred is specifically designated in the Town Center District regulations to receive additional density as a result of the transfer of development rights.
 - (2) The Town Center District parcel is the subject of a PURD plan incorporating the additional units that have received preliminary subdivision or preliminary site plan approval from the Planning Board.
 - (3) The Town Center District parcel contains existing on-tract roadway and utility infrastructure, or such infrastructure is either planned or under construction, specifically designed to accommodate the additional development resulting from the transfer of development credits.
- C. Sale by public auction. The Township shall sell the development credits it has acquired by open public sale at auction to the highest bidder so as not to substantially impair the private sale of the land or transfer of development rights created. The auction sale shall be conducted in accordance with N.J.S.A. 40A:12-13 as applicable. The Township shall fix a minimum price for the development credits which shall generally reflect market value of the development credits prior to adoption of this § 142-87 and based upon the Chesterfield Township public auction of development credits referenced in the preamble of Ordinance No. 2005-12. The invitation to bid shall impose the restrictions on use of the credits as set forth in Subsection B(1) to (3) hereof.
- D. Use of funds. Funds received by the Township resulting from the sale of development credits under this section shall be utilized for open space preservation purposes, including, but not limited to, the funding of a municipal development transfer bank, if any.

Preserved Farm Tables

Table 1: Farms with Agricultural Easements Held by County of Mercer

	Last Name	Property Location Municipality	Farm- land Ease. Acreage	Exception Acres	Year Acquire by County	Easement Purchase Price (Fee-Simple noted by *)		State Cost- Share for Easement	Notes
1	Doerler	Hamilton	121.82	0.00	1988	\$926,242.40		\$463,121.20	
2	Hart, Jr.	Hopewell	73.83	0.00	1990	\$1,289,065.88		\$1,031,252.70	
3	Niederer	Hopewell	80.09	0.00	1991	\$1,360,872.00		\$777,610.00	\$250,000 Corp. Donation
4	Lyons	Hopewell	63.22	0.00	1991	Div of Premises		from Niederer	
5	Kim	Hamilton	142.43	0.00	1994	\$566,420.40		\$368,173.26	
6	Skeba	E. Windsor	106.26	0.00	1994	\$329,406.00		\$214,113.90	
7	McDaid	Hamilton	62.48	0.00	1995	\$294,798.10	*	\$201,872.34	
8	Mount	Lawrence	52.36	1.30	1995	\$471,204.00		\$282,722.40	
9	Lucas	Washington	94.68	0.00	1996	\$137,278.75		\$105,567.36	
10	McLaughlin	Washington	38.78	0.00	1996	\$190,022.00		\$129,519.00	
11	DiDonato	Lawrence	65.66	2.00	1997	\$798,786.73		\$443,861.60	
12	Meirs	E. Windsor	95.95	0.00	1997	\$484,578.49		\$328,495.76	
13	Voorhees	Washington	43.13	0.00	1997	\$222,813.09		\$149,822.59	
14	Barna	Washington	31.15	2.00	1998	\$189,365.25		\$122,708.68	
15	D'Amico	Washington	87.88	2.00	1998	\$458,739.34		\$308,456.33	
16	DiDonato	Lawrence	83.57	3.45	1998	\$822,002.75		\$534,301.66	
17	Mount	Lawrence	65.34	0.19	1998	\$637,067.93		\$414,094.15	
18	Reid	Hopewell	224.56	4.88	1998	\$2,053,936.25	*	\$1,335,058.56	
19	Skeba	E. Windsor	57.59	2.00	1998	\$410,307.38		\$256,981.99	
20	Brittain	Hamilton	52.54	2.00	1999	\$0.00		\$0.00	
21	DePaulis	Hamilton	120.52	2.00	1999	\$647,614.12		\$430,274.82	
22	Pyrros	Hamilton	39.59	2.00	1999	\$599,939.64		\$389,900.77	
23	Radvany	Hopewell	23.18	0.00	1999	\$584,054.72		\$374,846.32	
24	Samu	Hamilton	100.64	0.00	1999	\$392,296.48		\$254,992.71	
25	Takter	E. Windsor	96.81	2.00	1999	\$698,837.63		\$454,244.46	
26	Weidel, Sr.	Hopewell	36.64	0.00	1999	\$322,542.00		\$225,779.40	
27	Wojcik	Washington	81.37	2.00	1999	\$406,850.00		\$276,658.00	
28	Wojcik	Washington	99.57	1.00	1999	\$1,115,056.00		\$669,033.00	\$61,071 Federal
29	Costantino	E. Windsor	9.00	0.50	2000	\$81,000.00		\$29,763.00	
30	Jany	West Windsor		0.00	2000	\$631,640.10		\$410,566.07	
31	Martindell	Hopewell	42.85	0.00	2000	\$478,228.32		\$286,936.99	
32	Mastoris	Washington	37.89	2.00	2000	\$207,988.65		\$138,083.66	
33	Radvany	Hopewell	17.40	0.00	2000	\$192,295.20		\$115,377.12	
34	Seip	E. Windsor	17.55	1.00	2000	\$105,145.80		\$68,344.77	
35	Benioff	Hopewell	99.91	0.15	2001	\$932,631.10		\$568,718.44	
36	Chmiel	Lawrence	12.57	6.00	2001		4	* • • • • • • • • • • • • • • • • • • •	D
37	County of Mercer	Lawrence	29.40	0.00	2001	\$1,200,000.00	*	\$476,721.00	Purchased with Chmiel easement
38	Gabert	Washington	50.96	2.44	2001	\$222,764.52		\$154,041.67	
39	Tan	Washington	39.01	2.00	2001	\$218,447.60		\$144,328.33	
40	Wojcik	Washington	78.83	0.00	2001	\$414,211.70		\$278,060.31	
41	Fedor	Hopewell	57.63	1.50	2002	\$409,837.05		\$245,902.23	
42	Kyle	E. Windsor	21.00	0.00	2002	\$107,640.00		\$72,450.00	
43	County of Mercer	Hamilton	98.68	2.25	2003	\$1,014,075.50	*	TBD	Cost- Share Pending

44	Hendrickson	Lawrence	95.57	0.00	2003	\$889,270.73		\$578,026.45	\$58,214 Lawrence Conserv.
45 46 47	Schumacher Skolnick W. W. Twp.	West Windsor Hopewell West Windsor	61.82	2.00 0.00 0.00	2003 2003 2003	\$346,653.00 \$871,645.08 \$1,520,777.90		\$207,991.80 \$522,987.05 \$912,466.74	Conserv.
48	W. W Twp.	West Windsor	112.59	0.00	2003	\$2,251,880.00		\$1,351,128.00	
49	W. W. Twp.	West Windsor	25.35	0.00	2003	\$501,989.40		\$301,193.64	
50	W. W. Twp.	West Windsor	25.73	0.00	2003	\$591,951.00		\$355,170.60	
51	W. W. Twp.	West Windsor	31.08	0.00	2003	\$612,216.90		\$367,330.14	
52	Tindall	West Windsor	79.72	3.00	2003	\$2,779,108.90		\$1,667,465.35	\$236,580 muni.
53 54 55 56 57 58 59 60 61	Weidel, Jr. Bogatz Colarusso Colarusso Ferrette Fulper II Knapp Reed Sciarrotta	Hopewell E. Windsor Hopewell Washington Hopewell Washington Washington Hopewell	60.84 25.24 107.06 107.22 40.61 46.71 68.13 49.53 46.89	3.00 0.00 2.00 2.00 2.00 2.00 0.39 2.00 1.00	2003 2004 2004 2004 2004 2004 2004 2004	\$435,707.91 \$728,039.96 \$525,386.82 \$511,644.42 \$317,613.04 \$211,188.12 \$148,940.19 \$725,089.94 \$691,218.00		\$261,424.75 \$460,378.21 \$358,120.81 \$306,986.65 \$200,843.54 \$153,962.95 \$97,189.79 \$361,462.50 \$414,730.53	\$60,680
62 63	Weidel, Jr. E. Windsor Twp.	Hopewell E. Windsor	80.58 38.95	4.00 0.00	2004 2005	\$652,732.02 \$409,837.05		\$398,891.79 \$245,902.23	Federal
64	Kalinowski and Kerris	W. Windsor and Wash.	49.13	3.00	2005	\$2,600,000.00		\$1,498,759.78	
65 66 67 68 69 70 71	Rapant Wojcik Booth Huebner Lee Patricelli Tindall	Washington Washington Washington Hopewell E. Windsor Hopewell Washington	9.76 73.85 47.99 55.30 53.51 25.69 55.4	0.00 2.00 2.19 2.04 0.08 1.30 1.00	2005 2005 2006 2006 2006 2006 2006	\$144,580.43 \$359,200.00 \$724,395.51 \$821,249.55 \$9,838,800.00 \$518,958.20 \$2,548,000.00		\$86,748.27 \$244,256.00 \$434,637.50 \$492,749.73 \$3,319,456.79 \$311,374.92 TBD	Cost- Share
72	Cty of Mercer /Updike	Washington	141.74	1.50	2007	\$10,900,000.00	*	TBD	submitted Cost- Share
73	Washington/S ilver Decoy*	Washington	12.01	4.27	2007	\$390,000.00		TBD	submitted Easement to be
74	Cty of Mercer /Hights**	Washington	29	TBD	2007	\$2,550,000.00	*	TBD	Assigned Cost Share to be
75	Cty of Mercer/Brior holm**	Hamilton	34	TBD	2007	\$3,400,000.00	*	TBD	Submitted Cost Share to be Submitted
	TOTAL		4701.96	87.4		\$73,144,076.94	*	\$29,444,393.06	Jubiliilled

^{*} The Township of Washington is in the process of assigning their Deed of Easement to the County.

^{**} The County of Mercer purchased these two farms in-fee on October 22, 2007. At some time in the future they will be sold at auction as deed restricted farmland.

Table 2: Farms with Agricultural Easements Held by SADC

	Name	Municipality	Easement	Block	Lots
			Acreage		
1	Old Mill Road	Hopewell	92.24	44	11.03
2	Hunt	Hamilton	42.99	2738	2
3	Siciliano	East Windsor	73.40	35	1
				41	7
4	Lengyen	Hamilton	131.68	2732	39
5	Bielanski	Hamilton	48.81	2735	73
6	Lenox	East Windsor	124.22	31	23
7	Cedarland/Krystal	East Windsor	76.82	43	1, 4, 4.01, 6, 7
8	Cedarland 1	East Windsor	95.17	42	2
9	Cedarland 2	East Windsor	72.47	36	2
10	Danch	Hamilton	20.18	2738	25
11	Faille	Hopewell Twp	40.29	4	19.01
12	Widman	Hopewell Twp	12.61	4	20
13	Hopewell/Martin	Hopewell Twp	163.22	43	5
14	Mokros	Hopewell Twp	94.33	29	5
15	Ellis	Hamilton	90.86	2739	89
16	Gordon	Lawrence	30.20	7501	99.01
			1,209.49		

Adopted CADB Policies

AGRICULTURAL DEVELOPMENT AREA (ADA) CRITERIA

For an area to be considered part of an Agricultural Development Area (ADA) it must meet <u>all</u> of the following Criteria:

- 1. Shall satisfy the statutory criteria established by the State Agricultural Development Committee (SADC) as follows:
 - a. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production in agriculture and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a non-conforming use:
 - b. Is reasonably free of conflicting residential, commercial or industrial development;
 - c. Compromises not greater than 90 percent of the agricultural land mass of the County.
- 2. Shall be located within MCADB's established boundaries as defined on the proposed Mercer County ADA map.
- 3. Should be designated as agricultural, open space, or limited growth areas on comprehensive and special purpose County plans, which are recognized as requiring interpretation regarding specific area boundaries.
- 4. Shall be eligible for Farmland Assessment in accordance with the New Jersey "Farmland Assessment Act" (L.1964, c.48).

Exceptions

In instances where lands have been excluded from the defined ADA, yet may contribute to the success of agricultural preservation in Mercer County, a special review by the Mercer County Agricultural Development Board may be requested for its consideration and inclusion into the ADA as an exception. Said areas must meet points 1, 4, and 5 of the stated ADA criteria and in addition must meet all the following criteria:

- a. Shall have landowner signup.
- b. Shall currently be a commercial farm as defined in the New Jersey "Right to Farm" Act (L.1983, c.31).
- c. Shall be free of pending non-agricultural development.

Jamie DiIorio Secretary

ADOPTED: April 10, 1985

Res. No. 2007-06

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD RESOLUTION FARMLAND PRESERVATION ELIBIBILITY AND RANKING CRITERIA

WHEREAS, the State Agriculture Development Committee (SADC) adopted new rules that became effective July 2, 2007, and which required the Mercer County Agricultural Development Board (MCADB) to select the type of farmland preservation cost-sharing program it would participate in, and

WHEREAS, the MCADB selected the County Planning Incentive Grant (PIG) Program, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of minimum eligibility criteria for the county to solicit and approve farmland preservation applications, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of ranking criteria that the county will use to prioritize farms for county farmland preservation funding, and

NOW THEREFORE BE IT RESOLVED that the MCADB adopts the following application eligibility criteria:

- 1. Application must be within the County Agricultural Development Area
- 2. Application must be of land with farmland assessment
- 3. Application must be of at least 25 farm acres lesser acreage acceptable if adjacent to a preserved farm
- 4. Application must meet minimum requirements of N.J.A.C. 2:76-6.20
- 5. Application also subject to qualification as an "eligible farm" if SADC funds are requested, and

BE IT FURTHER RESOLVED that the MCADB adopts the criteria at N.J.A.C. 2:76-6.16 for use as its ranking criteria that the county will use to prioritize farms for county farmland preservation funding.

Date adopted: October 1, 2007	MCADB Secretary: _	
,	, –	Daniel Pace

AGRICULTURAL LABOR HOUSING POLICY

Purpose:

To establish procedures for the approval of agricultural labor housing on permanently preserved farmland.

Policy:

- 1. The landowner may construct any new buildings for housing of agricultural labor employed by the agricultural operation, but only with the approval of the Mercer CADB, and the SADC (if SADC funding was used to purchase the development easement).
- 2. The agricultural labor housing shall be subject to municipal and other governmental approvals as applicable.
- 3. All agricultural labor housing units shall be utilized for laborers employed by the agricultural operation. The agricultural labor housing unit shall not be used as a rental property.
- 4. Pursuant to N.J.A.C. 2:76-6.15(a)14i, Agricultural labor housing "shall not be used as a residence for Grantor, the Grantor's spouse, the Grantor's parents, the Grantor's lineal descendents, adopted or natural, the Grantor's spouse's parents, the Grantor's spouse's lineal descendents, adopted or natural.

Adopted:	Effective:	Revision #:	Last Revised:
04-01-02	04-02-02		

Housing: Deed of Easement Paragraphs 13a and 14

13(a). At the time of this conveyance, Grantor has (0) existing single-family residential buildings on the Premises and (0) residential buildings used for agricultural labor purposes. Grantor may use, maintain, and improve existing buildings on the Premises subject to the following conditions:

- Improvements to agricultural buildings shall be consistent with agricultural uses;
- ii. Improvements to residential buildings shall be consistent with agricultural or single and extended family residential uses. Improvements to residential buildings for the purpose of housing agricultural labor are permitted only if the housed agricultural labor is employed on the Premises; and
- iii. Improvements to recreational buildings shall be consistent with agricultural or recreational uses.
- 14. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:
 - i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural; and
 - ii. To construct a single family residential building anywhere on the Premises in order to replace any single family residential building in existence at the time of conveyance of this Deed of Easement but only with the approval of the Grantee and Committee.
 - iii. No residual dwelling site opportunities have been allocated pursuant to the provisions of N.J.A.C. 2:76-6.17. No residential buildings are permitted on the Premises except as provided in this Deed of Easement.

For the purpose of this Deed of Easement:

"Residual dwelling site opportunity" means the potential to construct a residential unit and other appurtenant structures on the Premises in accordance with N.J.A.C. 2:76-6.17.

MOWING TO MANAGE NON-AGRICULTURAL WOODY SPECIES OR SECOND GROWTH INVASION ON PRESERVED FARMS

Purpose:

To establish policy and procedures for the annual mowing of "cropland pastured" and "permanently pastured fields" (as defined by the Farmland Assessment Act) on <u>all</u> deed restricted farmland preserved through the Mercer County Agricultural Development Board (MCADB) easement purchase program in order to retain those fields for agricultural use and production.

Background:

At its regular meeting on October 3, 2005, the MCADB agreed that a Restrictive Covenant would be executed with each <u>new</u> Agricultural Deed of Easement to require annual management of cropland pastured and permanently pastured fields in order to insure their retention for agricultural use and production as provided for in the Deed of Easement. The Board requested that policy and procedures be developed that would also impose this requirement on existing deed restricted farms.

Policy:

The Agricultural Deed of Easement dictates that the Premises be retained for agricultural use and production. The MCADB does hereby require that <u>all</u> farms preserved by the MCADB be managed to insure this dictate utilizing the Procedures outlined below.

Procedures:

- Landowners must annually clear cut or mow, or have clear cut or mowed, those pastured or
 permanently pastured fields not under cultivation or in Federal Programs on the Premises (the
 Premises being described in the preserved farm's Deed of Easement) in order to prevent nonagricultural woody species or second growth invasion. The mowing must occur annually before
 December 31st and should occur after July 15th, if possible, to protect nesting birds.
- 2. In the event that the MCADB determines that the cutting or mowing has not been performed, the landowner will be given written notice and a direction that it be completed within fourteen (14) calendar days of receipt of the notice or, at the discretion of the MCADB, a mutually agreed upon date.
- 3. In the event that the cutting or mowing is still not completed after the implementation of paragraph 2, then the MCADB may bring a legal action as provided for in the Deed of Easement. Or, the MCADB may hire somebody to do the cutting or mowing. The person, firm, or corporation hired shall have the right to enter the Premises and do the work without notice to or interference by the landowner. The landowner shall pay for the work and all costs and expenses of the MCADB in arranging for it to be performed.

Adopted:	Effective:	Revision #:	Last Revised:
02.06.06	02.06.06		

HOUSE SIZE LIMITATIONS ON PRESERVED FARM POLICY

Purpose:

To establish procedures for the review and approval of new, reconstructed, replaced, or modified non-labor housing on farmland permanently preserved through the Mercer County Agricultural Development Board (MCADB).

Background:

On May 7, 2001, the MCADB adopted a policy to restrict new houses built on Exceptions to 4000 square feet of livable space. In the case of an existing house that exceeded 4000 square feet and needed reconstruction due to fire or other disaster, the MCADB would review the request and approve or deny it. This policy only affected farms preserved from the 2002 Round forward (see Attachment A) and the policy would be reviewed every three years. It was not made retroactive. "Livable Space" was defined as all areas of the house commonly lived in. This would not include an unfinished attic, porch, basement, garage or other ancillary structures (sheds, pool, tennis court, etc.).

Residential Dwelling Site Opportunity (RDSO):

Although there are three preserved farms in Mercer County with RDSO's, the MCADB does not normally utilize this form of housing opportunity. These three farms are not subject to this policy; however, should a future preserved farm utilize an RDSO, that landowner must also adhere to the size restrictions of this policy.

Policy:

- 4. In an Exception on a preserved farm, where the Exception contains a residential structure or the right to construct such a structure, the landowner may construct, reconstruct, replace, or add-on provided the structure ultimately contains no more than 4000 square feet of livable space without the approval of the MCADB. For an existing house that exceeded 4000 square feet prior to the agricultural easement and needing reconstruction due to fire or other disaster, the MCADB will allow reconstruction up to the prior size provided it is rebuilt in the exact same footprint.
- 5. Where an Exception does not exist on a preserved farm, the landowner may reconstruct in-place, or add-on to an existing residential structure provided the structure ultimately contains no more than 4000 square feet of livable space. For an existing house that exceeded 4000 square feet prior to the agricultural easement and needed reconstruction due to fire or other disaster, the MCADB will allow reconstruction up to the prior size provided it is rebuilt in the exact same location. Any new construction as per an RDSO, reconstruction, or addition creating a residential structure with more than 4000 square feet of livable space will require CADB and possibly SADC approval.
- 6. This policy applies only to farmland preserved from the 2002 Round forward (as identified in Attachment A) except that a request to replace a residential structure not located within an Exception regardless of the Round requires MCADB and SADC approval and will be subject to this Policy. In addition, each farm's Agricultural Deed of Easement will further guide MCADB implementation of this policy.
- 7. Proof of compliance is the responsibility of the landowner.

Attachment A

2002 Round Farms:

- Bogatz, East Windsor (B30, L25&26)— Existing residence, no Exception
- Costantino, East Windsor (B35, L5.02) Existing residence on Exception
- Ferrette, Hopewell Twp. (B50, L15.02) Existing Residence on Exception
- Gallo, Hopewell Twp. (B50, L13.01) No existing residence, Res. Exception
- Thompson (formerly Twp. of Wash/Hall) B14, L22 No existing residence, Res. Exception (residence limited to 3500 square feet of heated living space as per Township agreement with landowner)
- Mercer (formerly Chmiel), Lawrence Twp. B7301, L32.01– No existing residence, No Exception
- Chmiel, Lawrence Twp. B7301, L36.01– Existing residence on Exception
- West Windsor Parcels 15&17 (B29, L2.01&3), 18&19(B30, L4&5), 20(B23, L42), 21(B23, L40&57&63), 23(B30.03, L2)– No Existing residences, no Exceptions

2003 Round Farms:

- Dakota (formerly Twp. of Wash/Bresnahan) B22, L4 No existing residence, Res. Exception
- Rapant, Wash Twp. (B19, L2.02) No existing residence, no Exception

2004 Round Farms

- Huebner, Hopewell Twp. (B20, L12) Existing Residence on Exception
- Patricelli, Hopewell Twp. (B62, L2.011) No Existing Residence, Res. Exception

2006 Round Farms

- Twp. of East Windsor, Etra Rd Farm (B31, L10) No existing residence, no Exception
- Tindall Family Partnership, West Windsor (B29, L4.01&5) Existing Residence on Exception
- Booth (formerly Twp of Wash/Dyjak). Existing Residence on Exception.

2007 Round Farms

- Lee Turkey Farm, East Windsor (B68.02, L82.01), Two existing residences, 0.08ac Exception area around farm market only.
- Windsor Farm, Washington Twp and West Windsor Twp., Existing residence on Exception

2008 Round Farms

• Tindall Greenhouses, Washington Twp, (B47, L13, 14, 14.01, 18), Two existing residences not on Exceptions. One residential Exception with no existing house.

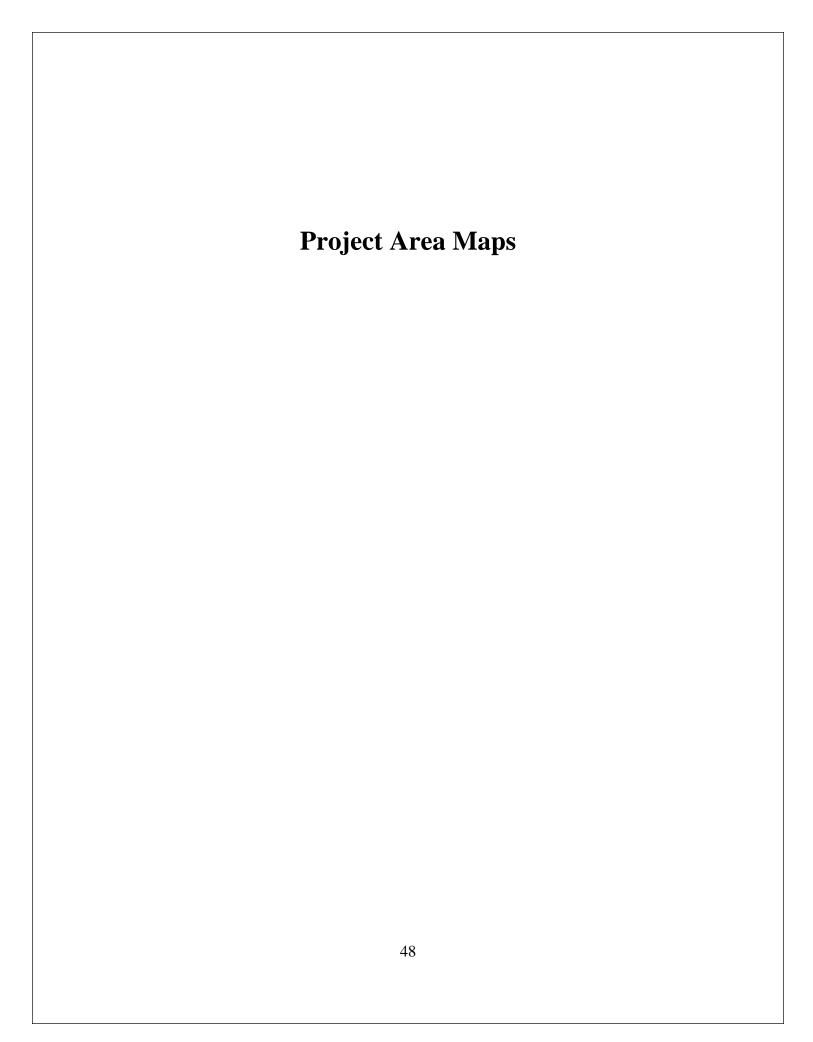
Adopted:	Effective:	Revision #:	Last Revised:
05-07-01	05-08-01	2	02.07.05

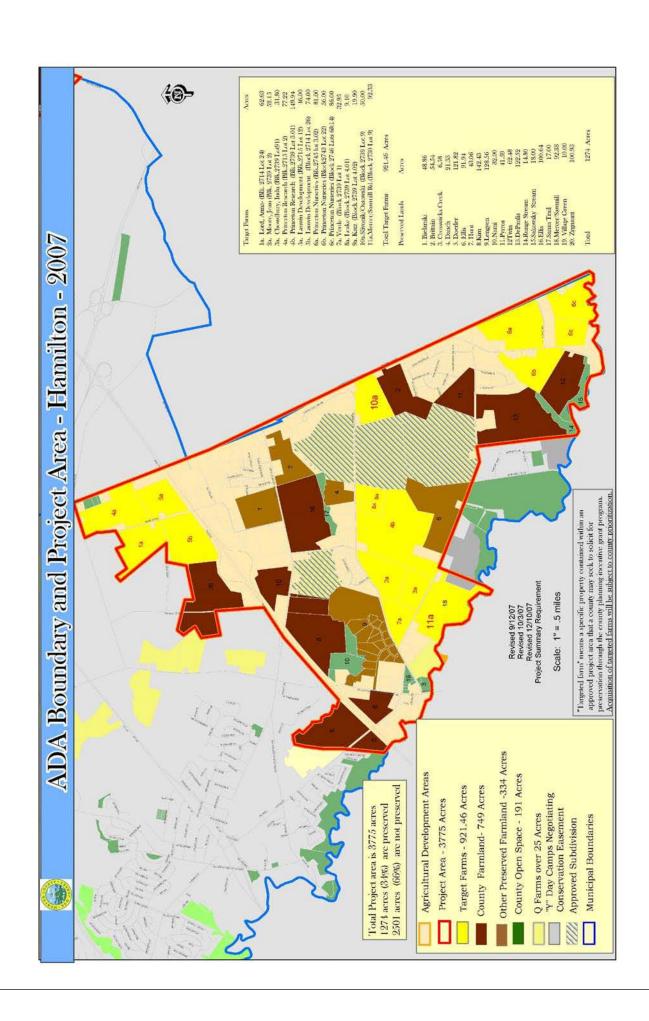
AUTHORIZATION TO OBTAIN AND RELEASE OF SOIL FARM CONSERVATION PLAN

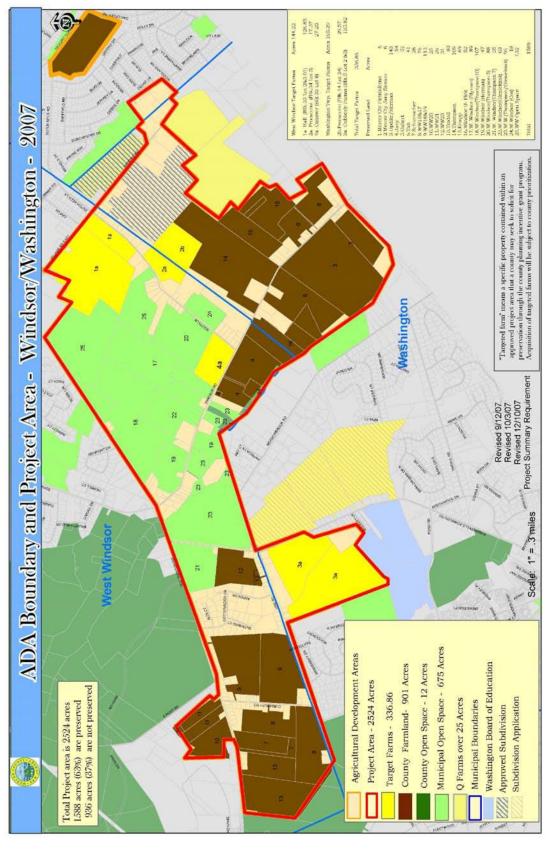
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dated,	and all subsec	quent amend	ments thereto	(the "Contract"),	executed by	and
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property owned	by	the	Seller	_	located	at
property	o j	0.120		he "Property").	The sale	
purchase shall be evidenc	ed by a Deed o	f Facement (
following the consummati					orded minicula	исту
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WHEDEAS the	Callar is raquira	d under the t	orms of the Fee	amant to obtain a	form concern	otion
WHEREAS , the plan ("Plan") approved by				sement to obtain a	i tariii conserva	ınon
pian (Pian) approved by	the local son co	onservation c	iistrict; and			
WITEDEAC 4loo	F	. 4. 4h. Cau	.441		::41- 41 4	
WHEREAS, the	Easement grants	s to the Cour	ity the right to	assure compitanc	e with the term	1S OI
the Easement; and						
MATERIA C. 4	0 11 1 1	1 4 4	C . 1 11	1 24 1 4	C: .: .1	1
WHEREAS, the		eages that th	e County snaii	be entitled to co	niirmation tha	t tne
Seller has entered into the	Plan.					
NOW THERE	ODE : :1	6.4		1 .	111 4 0	
NOW THEREFO						
for the Easement and as a			•		•	•
the Contract and evidence	•		•	•	s and represen	ts to
and for the benefit of the C	County, its succe	essors and as	signs as follows	S:		
1 5	.1	1 5		1. 1. 1.		C .1
				ees to obtain, wit	-	t the
date of the Easement, a far	m conservation	plan approv	ed by the local	soil conservation	district.	
a G II		~				•
				ricultural Develo		
("SADC") shall be provid	A *			•		
event that the Seller fails	•		•	•		•
and SADC are authorize						-
specifically authorizes the	local soil cons	ervation dist	rict to release t	to the County and	l SADC, a cop	y of
the Plan.						
				the terms of thi		
constitute a violation in the	ie terms and co	nditions of the	he Easement, e	ntitling the Count	ty and/or SAD	C to
take all actions permitted	by the Easement	t.				
IN WITNESS V				caused this Agre	ement to be	duly
executed and delivered as	of this of	day of	, 20			
Signed, sealed and deliver	ed in S	ELLER:				
the presence of:						
		Name				
		Title:				

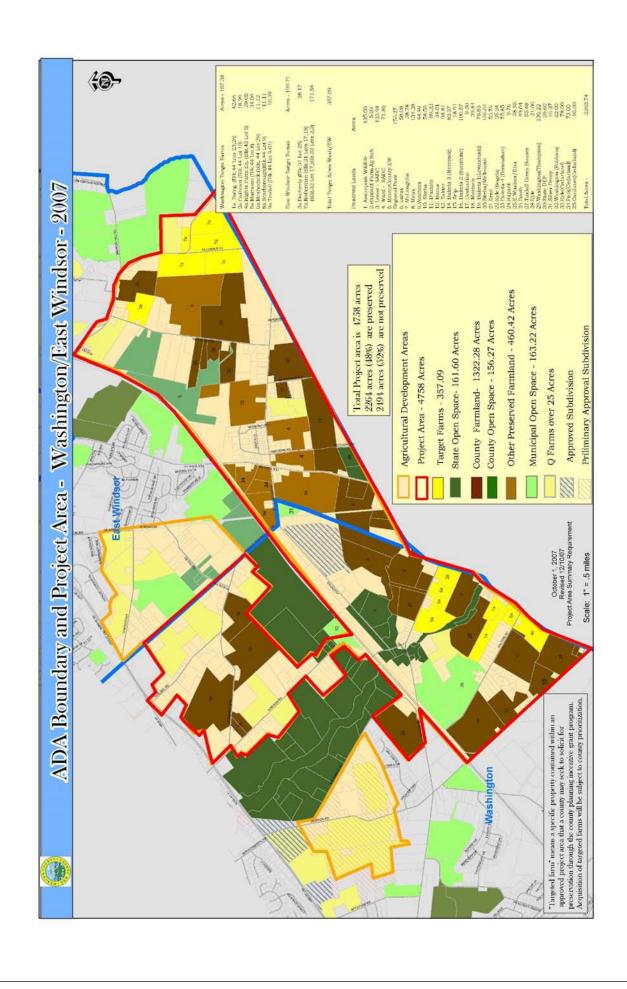
AGRICULTURAL DEVELOPMENT AREA MAP
For an electronic, easier to read map than found on Page 34, please follow this link: http://nj.gov/counties/mercer/community/pdfs/farm_adopted
<u>farmmapb.pdf</u>
46

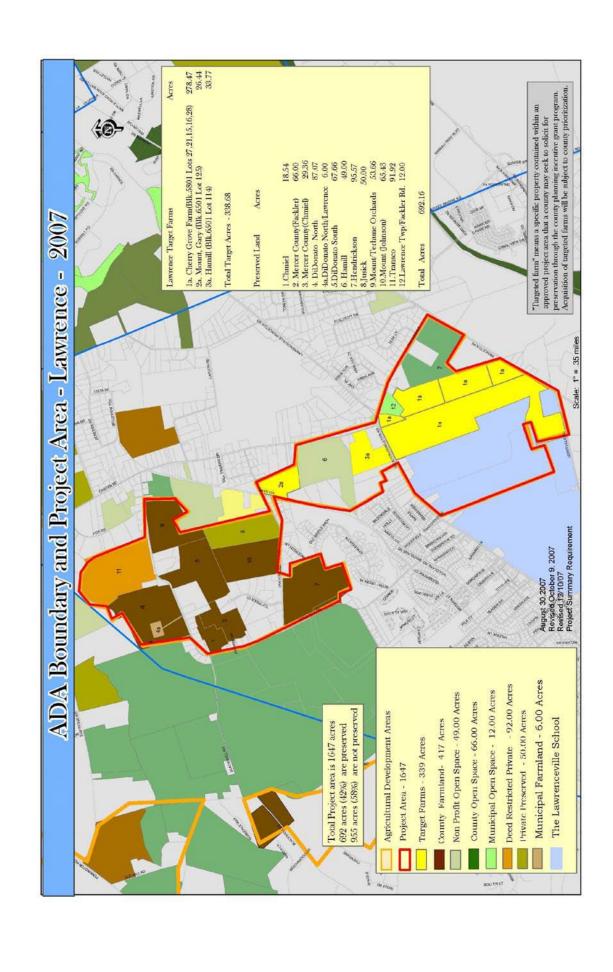
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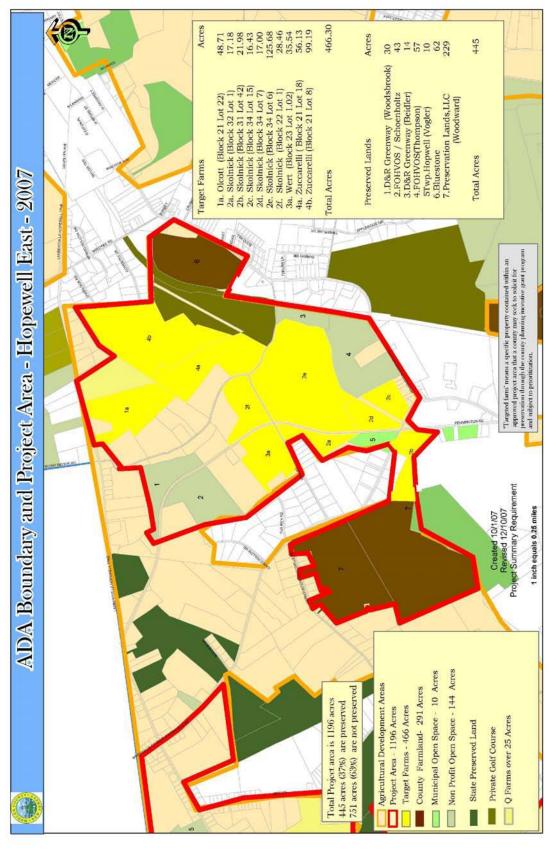


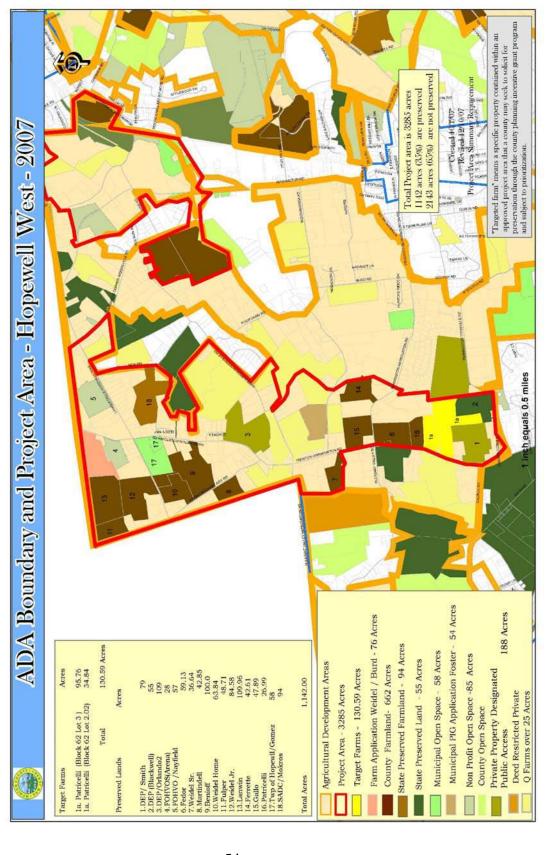


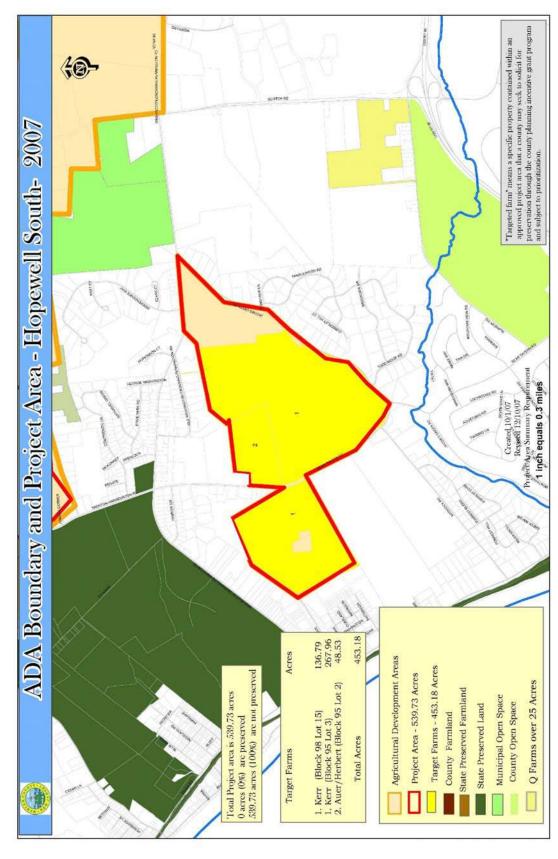












Project Area S	Summary For	ms	
	56		



County Planning Incentive Grant **PROJECT AREA SUMMARY FORM**

Project Area: Hamilton Municipality: Hamilton

County: Mercer

1. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

i. Targeted Farms Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres	
Farm 1a:Lord	Hamilton	1103	2714	24	63	
Farm 2a: Moore	Hamilton	1103	2739	2	52	
Farm 3a: Chowdhury	Hamilton	1103	2739	91	32	
Farm 4a: PRL	Hamilton	1103		3.01	77	
Farm 4b: PRL	Hamilton	1103			150	
Farm 5a: Lanwin	Hamilton	1103	2715	12	46	
Farm 5b: Lanwin	Hamilton	1103	2714	26	74	
Farm 6a: Princeton Nursery	Hamilton	1103	2745	3.02	81	
Farm 6b: Princeton Nursery	Hamilton	1103	2743	22	56	
Farm 6c: Princeton Nursery/ Rock Hill			2746	6 & 14	86	

Farm 7a: Cty of Mercer/Verde	Hamilton	1103	2739	1	33
Farm 8a: Leake	Hamilton	1103	2739	4.01	9
Farm 9a: Katz	Hamilton	1103	2739	4.02	20
Farm 10a: Slivonik	Hamilton	1103	2739	9	50
Farm 11a: Cty of Mercer/Sawmill Rd	Hamilton	1103	2730	9	92

Total Acreage of Targeted Farms:

921

ii. Farms with Municipal, County and/or SADC Final Approval: *Add additional rows as needed.*

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Cty of Mercer/Zygmont	Hamilton	1103	2713	19	See total
Cty of Mercer/Zygmont	Hamilton	1103	2714	30	Total 101

Total Acreage of Farms with Municipal, County or SADC Final Approval:

101

iii. Preserved Farmland Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Brittain/Coast Nursery	Hamilton	1103	2739	14	55
DePaulis	Hamilton	1103	2743	6.01	123
Doerler	Hamilton	1103	2716	17	See Doerler total
Doerler	Hamilton	1103	2732	10	See Doerler total
Doerler	Hamilton	1103	2724	112	Total 123
Kim/Evergreen	Hamilton	1103	2732	5	See Kim total

Kim/Evergreen	Hamilton	1103	2733	2	See Kim total
Kim/Evergreen	Hamilton	1103	2732	6	Total 142
Twin Industries	in Industries Hamilton		2743	31.01	62
Pyrros	Hamilton	1103	2739	49	42
Ellis	Hamilton	1103	2738	1.01	101

Total Acreage of Preserved Farmland:

648

iv. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
SADC Bielanski	Hamilton	1103	2735	73	49
SADC Danch	Hamilton	1103	2738	25	21
SADC Ellis	Hamilton	1103	2739	89	92
SADC Hunt	Hamilton	1103	2738	2	43
SADC Lengyen	Hamilton	1103	2732	39	129

Total Acreage of Other Deed Restricted Farmland:

334

v. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

0

vi. Other Preserved Open Space Compatible with Agriculture

Add additional rows as needed.

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
Cty of Mercer/Nami	Hamilton	1103	2732	3,4,45	32	Open Space
Cty of Mercer/Runge Greenway	Hamilton	1103	2743	6.02	15	Stream Corridor
Cty of Mercer/Sakowsky Greenway	Hamilton	1103	2743	31.02	18	Stream Corridor
Cty of Mercer/Samu Stream Corridor	Hamilton	1103	2738	1.02	17	Stream Corridor
Cty of Mercer/Sawmill Rd Open Space	Hamilton	1103	2730	9	92	Open Space
Cty of Mercer/Village Green	Hamilton	1103	2731	1,2,3,4,5	10	Farming
Cty of Mercer/Crosswicks Creek Greenway	Hamilton	1103	2726	20	See Crosswick total	Stream Corridor
Cty of Mercer/Crosswicks Creek Greenway	Hamilton	1103	2730	1 & 2	Total 7	Stream Corridor

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

191

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

2,195

2. <u>AGGREGATE SIZE OF THE PROJECT AREA</u>: 3,775 Acres (See N.J.A.C. 2:76-17.5(a)2)

3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 1,274 / 3,775 = 34 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 775 / 921 = 84 %

Note:

Important farmland soils are prime, statewide and unique soils

HHH

- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 921 acres

Area of prime soils on targeted farms: 289 acres; 31 % of total area

Area of statewide soils on targeted farms: 449 acres; 49 % of total area

Area of unique soils on targeted farms: 37 acres; 4 % of total area

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5)

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
Hamilton	3301	921	\$42,560	\$39,197,760	0	40	60	0

TOTALS

	Total Acreage Total Estimated Cost for Targeted Farm Easement Purchase 921 \$39,197,760		Total Estimated Municipal Funding	County	Estimated	Total Estimated Funding from Other Sources
			0	40%	60%	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted Farms</u>:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	"	"	"	11	"	"
3	100 for all Project Areas	"	"	"	"	"	"
4	100 for all Project Areas	"	"	"	"	"	"
5	100 for all Project Areas	"	"	"	"	"	"
6	100 for all Project Areas	"	"	"	"	"	"
7	100 for all Project Areas	"	"	"	"	"	"
8	100 for all Project Areas	"	"	"	"	"	"
9	100 for all Project Areas	"	"	"	"	"	"
10	100 for all Project Areas	"	"	"	"	"	"



County Planning Incentive Grant PROJECT AREA SUMMARY FORM

Project Area: East Windsor/Washington Municipality: East Windsor & Washington

County: Mercer

2. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

vii. Targeted Farms

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Farm 1a: Batog	Washington	1112	44	23 & 26	43
Farm 2a: Cathcart	Washington	1112	44	10	19
Farm4a: Hights Farm Equip	Washington	1112	43	5	29
Farm 5a: Marrazzo	Washington	1112	44	8	34
Farm 6a: Meshechek	Washington	1112	44	29	11
Farm 8a: Scarborough	Washington	1112	44	9	11
Farm 9a: Tindall	Washington	1112	44	9.01	10
Farm 3a:Docherty	East Windsor	1101	31	25	28
Farm 7a: Notterman	East Windsor	1101	31	17 & 18	86
Farm 7b: Notterman	East Windsor	1101	32	17	10
Farm 7c: Notterman	East Windsor	1101	33	2 & 3	76

viii. Farms with Municipal, County and/or SADC Final Approval:

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Twp of Wash/Silver Decoy*	Washington	1112	47	7	16*
Cty of Mercer/Tindall Green Houses*	Washington	1112	47	13, 14, 14.01, 18	55*

Total Acreage of Farms with Municipal, County or SADC Final Approval: below: Silver Decoy in Table iv and Tindall in Table iii.

*included

ix. Preserved Farmland Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Costantino	East Windsor	1101	35	5.02	10
Twp of East Windsor/Etra Rd	East Windsor	1101	31	10	39
Kyle	East Windsor	1101	30	21 &22	21
Kyle (Bogatz)	East Windsor	1101	30	25 & 26	25
Seip	East Windsor	1101	30	20	19
Skeba/Mellmann	East Windsor	1101	31	22	106
Skeba	East Windsor	1101	34	1	59
Takter	East Windsor	1101	35	5	See Takter total
Takter	East Winsor	1101	41	3	Total 99
Meirs	East Windsor	1101	42	10,10.1,14, 15,16	See Meirs total
Meirs	Meirs Millstone, Monmouth Cty		1.01	2	See Meirs total
Meirs	Millstone		1.02	1,3,5	See Meirs total
Meirs	Washington	1112	47	9.02	Total 134

Barna	Washington	1112	43	9.04	34
Booth	Washington	1112	44	20	49
D'Amico	Washington	1112	43	3.01,4,8	89
Lucas	Washington	1112	47	9.01	58
Mastoris	Washington	1112	19	9	40
McLaughlin	Washington	1112	44	43	39
Rapant	Washington	Washington 1112 19 2.02		10	
Reed	Washington	1112	43	7	54
Voorhees	Washington	1112	47	11.01	44
Dakota 3	Washington	1112	42	1	See Dakota 3 total
Dakota 3	Washington	1112	43	1	Total 84
Dakota 2	Washington	1112	20	14	100
Dakota 1	Washington	1112	19	6	81
Dakota 4	Washington	1112	22	4	74
Tindall Greenhouses	Washington	1112		13, 14, 14.01, 18	55

Total Acreage of Preserved Farmland:

1,323

x. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
SADC/Peck	East Windsor	1101	?	?	73
SADC/Ward	East Windsor	1101	?	?	74

MMM

SADC/Kyle	East Windsor	1101	36	2	78
SADC/Carduner	East Windsor	1101	42	2	95
SADC/Lenox	East Windsor	1101	31	23	124
Twp of Wash/Silver Decoy (see Table ii)	Washington	1112	47	7	16

Total Acreage of Other Deed Restricted Farmland:

460

xi. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code Block		Lot	Acres
					0

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xii. Other Preserved Open Space Compatible with Agriculture *Add additional rows as needed.*

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
Rapant	Washington	1112	19	2.01	5	Ag subdivision/Restricted development potential
DEP	Washington	1112	?	?	135	Assunpink Wildlife
Cty of Mercer	East Windsor	1101	30	16,18	156	Passive Open Space
Twp of Washington	Washington	1112	44	32.01,33, 34	136	TDR
DEP	East Windsor	1101	41	1,3.01	27	Assunpink Wildlife
Twp of Washington	Washington	1112	19	16	22	Passive Open Space (Robbins)

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

481

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

2,621

NNN

2. AGGREGATE SIZE OF THE PROJECT AREA: 4,758 Acres

(See N.J.A.C. 2:76-17.5(a)2)

3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 2264 / 4758 = 48 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 296 / 357 = 83 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present
 please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 357 acres

Area of prime soils on targeted farms: 114 acres; 32 % of total area

Area of statewide soils on targeted farms: 182 acres; 51 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
E Windsor	1101	200	\$42,560	\$8,512,000	0	40%	60%	0
Washington	1112	157	\$42,560	\$6,681,920	0	40%	60%	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	County	Estimated	Total Estimated Funding from Other Sources
357	\$15,193,920	0	40%	60%	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted Farms</u>:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000



County Planning Incentive Grant **PROJECT AREA SUMMARY FORM**

Project Area: Windsor/Washington

Municipality: W. Windsor and Washington

County: Mercer

3. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

xiii. Targeted Farms Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Farm 1a: Hall	West Windsor	1113	33	2 & 3.01	127
Farm 2a: Procaccini	West Windsor	1113	34	3	17
Farm 4a: Conover	West Windsor	1113	35	8	27
Farm 2b: Procaccini	Washington	1112	14	24	30
Farm 3a: Cubberly Farms	Washington	1112	5	2 & 3	136

Total Acreage of Targeted Farms:

337

xiv. Farms with Municipal, County and/or SADC Final Approval: *Add additional rows as needed.*

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Mercer/Herman-Updike	Washington	1112	10	47 & 55	143.24

Total Acreage of Farms with Municipal, County or SADC Final Approval: in Table iii.

*included

xv. Preserved Farmland *Add additional rows as needed.*

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Jany	West Windsor	West Windsor 1113 32 2,22,23		2,22,23,24	54
Twp. of West Windsor/Parcel 15 and 17	West Windsor	1113	29	3 & 2.01	76
Twp. of West Windsor/Parcel 18 and 19	West Windsor	1113	30	4 & 5	113
Twp. of West Windsor/Parcel 20	West Windsor	1113	23	42	25
Twp. of West Windsor/Parcel 21	West Windsor	1113	23	40,57,63	26
Twp. of West Windsor/Parcel 23	West Windsor	1113	30.03	2	31
Tindall Family	West Windsor	1113	29	4.01 & 5	83
Schumacher	West Windsor	1113	29	7 & 11	28
Windsor U-Pick	West Windsor	1113	32	1	See U-Pick Total
Windsor U-Pick	Washington	1112	10	57,58,61	Total 52
Gabert	Washington	1112	10	56 & 56.01	51
Tan	Washington	1112	14	16 & 50	41
Thompson	Washington	1112	14	22	109
Knapp	Washington	1113	14	13,45,46	69
Mercer/Herman-Updike	Washington	1112	10	47 & 55	143

Total Acreage of Preserved Farmland:

901

xvi. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal	Block	Lot	Acres
(if known)	withicipanty	Code	DIUCK	Lot	Acres

		0
		"

Total Acreage of Other Deed Restricted Farmland:

0

xvii. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
					0

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xviii. Other Preserved Open Space Compatible with Agriculture *Add additional rows as needed.*

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
Mercer County	West Windsor	1113	32	3	6	Pietrinfino Farm
Mercer County	West Windsor	1113	32	2.01, p/o 23 & 24	5.94	Jany Stream Corridor
West Windsor	West Windsor	1113	33	38, 42	89	Blyman & Enclave Farm
West Windsor	West Windsor	1113	33	9	107	Thompson Farm
West Windsor	West Windsor	1113	32	5 & 18	47	Herman Farm
West Windsor	West Windsor	1113	33	7 & 5	88	Thompson Farm
West Windsor	West Windsor	1113	30.03	3	35	Thompson Farm
West Windsor	West Windsor	1113	33	18.01, 18.02	63	Oleniczak Farm
West Windsor	West Windsor	1113	32	8	96	Thompson Farm & Woodland
West Windsor	West Windsor	1113	34	5	18	Cox Farm
West Windsor	West Windsor	1113	33	1.03, 10,	131.74	Farm & woodland

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

687

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

1,925

2. AGGREGATE SIZE OF THE PROJECT AREA: 2,524 Acres (See N.J.A.C. 2:76-17.5(a)2)

3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 1588 / 2524 = 63 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 337 / 337 = 100 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 337 acres

Area of prime soils on targeted farms: 123 acres; 36 % of total area

Area of statewide soils on targeted farms: 214 acres; 64 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
West Windsor	1113	171	\$42,560	\$7,277,760	0	40%	60%	0
Washington	1112	166	\$42,560	\$7,064,960	0	40%	60%	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	Estimated	Estimated	Total Estimated Funding from Other Sources
337	\$14,342,720	0	40%	60%	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted Farms</u>:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000



County Planning Incentive Grant **PROJECT AREA SUMMARY FORM**

Project Area: Lawrence Municipality: Lawrence

County: Mercer

4. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

xix. Targeted Farms Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Cherry Grove Farm, LLC	Lawrence	1107	5801	15,16,21, 23,27	278.47
Mount/U-Pick	Lawrence	1107	6501	125	26.44
Hamill Lawrence		1107	6501	114	33.77

Total Acreage of Targeted Farms:

339

xx. Farms with Municipal, County and/or SADC Final Approval: *Add additional rows as needed.*

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

xxi. Preserved Farmland

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Chmiel	Lawrence	1107	7301	36.01	18.54
Mercer Cty (Chmiel)	Lawrence	1107	7301	32.01	29.36
DiDonato North	Lawrence	1107	7201	20	87.02
DiDonato South	Lawrence	1107	7301	48	67.66
Hendrickson	Lawrence	1107	6401	116	95.57
Mount/Terhune Orchard	Lawrence	1107	7301	51.01	53.66
Mount (formerly Johnson)	Lawrence	1107	7301	10	65.43

Total Acreage of Preserved Farmland:

417

xxii. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Twp of Lawrence/DiDonato	Lawrence	1107	7201	21	6
Transco	Lawrence	1107	7201	17.01	91.92

Total Acreage of Other Deed Restricted Farmland:

98

xxiii. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xxiv. Other Preserved Open Space Compatible with Agriculture

Add additional rows as needed.

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
Twp of Lawrence (Fackler Rd)	Lawrence	1107	5801	19	11.72	Woodland
Mercer Cty (Fackler Rd)	Lawrence	1107	5801	24	66	Farmland
Jusick	Lawrence	1107	7301	9	50	Grassland Management
Hamill	Lawrence	1107	6501	122	49	Farmland

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

177

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

1,031

2. AGGREGATE SIZE OF THE PROJECT AREA: 1,647 Acres (See N.J.A.C. 2:76-17.5(a)2)

3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 692 / 1647 = 42 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 321 / 339 = 95 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present
 please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 339 acres

Area of prime soils on targeted farms: 148 acres; 44 % of total area

Area of statewide soils on targeted farms: 171 acres; 51 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

XXX

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5)

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
Lawrence	1107	339	\$42,560	\$14,394,217	0	40	60	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	Total Estimated County Funding	Estimated	Total Estimated Funding from Other Sources
339	\$14,394,217	0	40	60	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted Farms</u>:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000

6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000



County Planning Incentive Grant PROJECT AREA SUMMARY FORM

Project Area: Hopewell East Municipality: Hopewell Twp.

County: Mercer

5. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

xxv. Targeted Farms
Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Farm 1a: Olcott	Hopewell Twp.	1106	21	22	48.71
Farm 2a: Skolnick	Hopewell Twp.	1106	32	1	17.18
Farm 2b: Skolnick	Hopewell Twp.	1106	31	42	21.98
Farm 2c: Skolnick	Hopewell Twp.	1106	34	15	16.43
Farm 2d: Skolnick	Hopewell Twp.	1106	34	7	17
Farm 2e: Skolnick	Hopewell Twp.	1106	34	6	125.68
Farm 2f: Skolnick	Hopewell Twp.	1106	22	1	28.46
Farm 3: Wert	Hopewell Twp.	1106	23	1.02	35.54
Farm 4a: Zuccarelli	Hopewell Twp.	1106	21	18	56.13
Farm 4b: Zuccarelli	Hopewell Twp.	1106	21	8	99.19

xxvi. Farms with Municipal, County and/or SADC Final Approval:

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms with Municipal, County or SADC Final Approval:

0

xxvii. Preserved Farmland

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Preservation Lands, LLC	Hopewell Twp.	1106	31	6.03,13.03	229.44
Skolnick/Bluestone	Hopewell Twp.	1106	21	5	61.82

Total Acreage of Preserved Farmland:

291

xxviii. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Other Deed Restricted Farmland:

0

xxix. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xxx. Other Preserved Open Space Compatible with Agriculture

BBBB

Add additional rows as needed.

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
D&R Greenway Land Trust (Woods Brook)	Hopewell Twp.	1106	22	5	30	Wooded
FoHVOS/Schoenholtz	Hopewell Twp.	1106	23	3.01	43	Farmland
D&R Greenway Land Trust (Beidler)	Hopewell Twp.	1106	34	5.01	14	Wooded
FoHVOS (Thompson)	Hopewell Twp.	1106	34	5	57	Farmland
Twp of Hopewell (Vogler)	Hopewell Twp.	1106	32	6.09	10	Farmland

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

154

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

911

2. AGGREGATE SIZE OF THE PROJECT AREA: 1196 Acres (See N.J.A.C. 2:76-17.5(a)2)

3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 445 / 1196 = 37 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 427 / 466 = 92 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present
 please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 466 acres

Area of prime soils on targeted farms: 178 acres; 38 % of total area

Area of statewide soils on targeted farms: 249 acres; 53 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

CCCC

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5)

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
Hopewell Twp. East	1106	466	\$42,560	\$19,832,960	0	40	60	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	Estimated	Estimated	Total Estimated Funding from Other Sources
466	\$19,832,960	0	40%	60%	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted</u> Farms:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000

DDDD

8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000



County Planning Incentive Grant **PROJECT AREA SUMMARY FORM**

Project Area: Hopewell West Municipality: Hopewell Twp.

County: Mercer

6. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

xxxi. Targeted Farms Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Patricelli	Hopewell	1106	62	2.02, 3	131

Total Acreage of Targeted Farms:

131

xxxii. Farms with Municipal, County and/or SADC Final Approval: *Add additional rows as needed.*

Municipal Owner / Farm Name Municipality Block Lot Acres Code Weidel/ Broad Oak Hopewell 1106 3 76 26 LLC(Burd) Hopewell Twp/Foster 1106 54 Hopewell 51 23

Total Acreage of Farms with Municipal, County or SADC Final Approval:

xxxiii. Preserved Farmland

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres
Fedor	Hopewell Twp.	1106	62	1.01	59.13
Weidel, Sr.	Hopewell Twp.	1106	52	54	36.64
Martindell	Hopewell Twp.	1106	27	2	42.85
Benioff	Hopewell Twp.	1106	28	2.03	100
Weidel, Jr. Home Farm	Hopewell Twp.	1106	28	2.01	63.84
Fulper	Hopewell Twp.	1106	26	1	48.71
Weidel, Jr.	Hopewell Twp.	1106	26	16	84.58
Lanwin	Hopewell Twp.	1106	26	2	109.06
Ferrette	Hopewell Twp.	1106	50	15.02	42.61
Gallo	Hopewell Twp.	1106	50	13.01	47.89
Patricelli	Hopewell Twp.	1106	62	2.011	26.99

Total Acreage of Preserved Farmland:

662

xxxiv. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
SADC/Mokros	Hopewell Twp.	1106	29	5	94

Total Acreage of Other Deed Restricted Farmland:

94

xxxv. Farms Enrolled in the Eight-year Farmland Preservation Program or

GGGG

Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xxxvi. Other Preserved Open Space Compatible with Agriculture *Add additional rows as needed.*

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use
DEP/Smith	Hopewell Twp.	1106	62	4	79	Farm and Woodland
DEP (Blackwell)	Hopewell Twp.	1106	62	6	55	Farmland
DEP/Orlando2	Hopewell Twp.	1106	29	13	109	Farm and Woodland
FoHVOS (Arena)	Hopewell Twp.	1106	26	4.01	28	Farmland
FoHVOS/Nayfield	Hopewell Twp.	1106	25	3.01	57	Farm and Woodland
Twp of Hopewell (Gomez)	Hopewell Twp.	1106	28	3.01, 11	58	Farm and Woodland

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

386

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

1,403

- 2. AGGREGATE SIZE OF THE PROJECT AREA: 3,285 Acres (See N.J.A.C. 2:76-17.5(a)2)
- 3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 1272 / 3285 = 39 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

HHHH

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 128 / 131 = 98 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present
 please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 131 acres

Area of prime soils on targeted farms: 63 acres; 48 % of total area

Area of statewide soils on targeted farms: 65 acres; 50 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5)

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
Hopewell Twp.	1106	131	\$42,560	\$5,575,360	0	40	60	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	Total Estimated County Funding	Estimated	Total Estimated Funding from Other Sources
131	\$5,575,360	0	40%	60%	0

6. <u>Multi-year Plan to Purchase Development Rights on Targeted</u> Farms:

(See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding
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1	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000



County Planning Incentive Grant PROJECT AREA SUMMARY FORM

Project Area: Hopewell South

Municipality: Hopewell Township

County: Mercer

7. PROJECT AREA INVENTORY: (See N.J.A.C. 2:76-17.5(a)1)

xxxvii. Targeted Farms

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres
Kerr	Hopewell Twp	1106	98	15	136.79
Kerr	Hopewell Twp.	1106	95	3	267.96
Auer Assoc., LLC	Hopewell Twp.	1106	95	2	48.53

Total Acreage of Targeted Farms:

453.28

${\bf xxxviii.} \ \ {\bf Farms\ with\ Municipal,\ County\ and/or\ SADC\ Final\ Approval:}$

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms with Municipal, County or SADC Final Approval:

0

xxxix. Preserved Farmland

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Preserved Farmlan	Acreage of Preserved	l Farmland
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0

xl. Other Deed Restricted Farmland

Add additional rows as needed.

Owner / Farm Name (if known)	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Other Deed Restricted Farmland:

0

xli. Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program

Add additional rows as needed.

Owner / Farm Name	Municipality	Municipal Code	Block	Lot	Acres

Total Acreage of Farms Enrolled in the Eight-year Farmland Preservation Program or Municipally-Approved Farmland Preservation Program:

0

xlii. Other Preserved Open Space Compatible with Agriculture

Add additional rows as needed.

Owner	Municipality	Municipal Code	Block	Lot	Acres	Description of Use

Total Acreage of Other Preserved Open Space Compatible with Agriculture:

453

0

TOTAL ACREAGE OF i., ii., iii., iv., v. & vi.

- 2. AGGREGATE SIZE OF THE PROJECT AREA: 540 Acres (See N.J.A.C. 2:76-17.5(a)2)
- 3. DENSITY OF THE PROJECT AREA: (See N.J.A.C. 2:76-17.5(a)3)

Density Formula:

(Sum of ii., iii., iv., v. & vi.) / (Aggregate size of the Project Area)

Density = 0 / 540 = 0 %

4. TARGETED FARM SOIL PRODUCTIVITY: (See N.J.A.C. 2:76-17.5(a)4)

Soil Productivity Formula:

(Total area of important farmland soils on targeted farms) / (Total area of the targeted farms)

Soil Productivity = 380 / 453 = 84 %

Note:

- Important farmland soils are prime, statewide and unique soils
- Unique soils will only be considered if they are being used for special crops
- Attached is a list of soils considered statewide important only when drained. When these soils are present please confirm the presence of drainage before making soil calculations.

Total area of the targeted farms: 453 acres

Area of prime soils on targeted farms: 267 acres; 59 % of total area

Area of statewide soils on targeted farms: 113 acres; 25 % of total area

Area of unique soils on targeted farms: 0 acres; 0 % of total area

5. ESTIMATE OF EASEMENT PURCHASE COST ON TARGETED FARMS: (See N.J.A.C.

2:76-17.5(a)5)

The SADC cost share formula can be found at N.J.A.C. 2:76-6.11(d) Add additional rows as needed.

Municipality	Municipal Code	Acres	Estimated Easement Price per Acre	Total Estimated Easement Price	Estimated Municipal Cost Share%	Estimated County Cost Share%	Estimated State Cost Share%	Estimated Cost Share% from Other Sources
Hopewell Twp. South	1106	453	\$42,560	\$19,279,680	0	40%	60%	0

TOTALS

Total Acreage	Total Estimated Cost for Targeted Farm Easement Purchase	Total Estimated Municipal Funding	County	Estimated	Total Estimated Funding from Other Sources
453	\$19,279,680	0	40%	60%	0

6. Multi-year Plan to Purchase Development Rights on <u>TARGETED FARMS</u>: (See N.J.A.C.2:76-17.5(a)6)

Year	Acres	Estimated Cost	Municipal Funds	County Funds	State Funds	Other Funding Sources	Total Estimated Funding	
1	100 for all Project Areas	\$4,256,000	0	40%	60%	60% 0		
2	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
3	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
4	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
5	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
6	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
7	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
8	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
9	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	
10	100 for all Project Areas	\$4,256,000	0	40%	60%	0	\$4,256,000	

STATUTORY FUNDING FORMULA -EASEMENT PURCHASE COST SHARE

§ 2:76-6.11 Final Committee review

- (a) The Committee shall approve a maximum limit of funds available and the maximum number of applications permitted per county for an easement purchase grant round to provide grants to counties and municipalities for the purchase of development easements on farmland.
- (b) Upon receipt of applications which have received final approval by the board, the Committee shall determine the landowner's formula index by application of the formula contained in N.J.S.A. 4:1C-31b(1) as follows:

nonagricultural		agricultural		landowner's		
development value	-	value	-	asking price		
					=	formula
nonagricultural	-	agricultural				index
development value		value				

(c) The Committee's funding priority shall be given to those applications which have higher numerical values obtained by application of the following formula:

(quality score) + (formula index x 200) = final score

- 1. Regardless of the final score, the Committee may disapprove an application if it determines that the applicant has initiated proceedings in anticipation of applying to sell a development easement or during the application process which have the effect of increasing the applicant's appraised development easement value.
- 2. The Committee may give funding priority to offers with higher numerical values in any one county based on the applicant's final score.

(d) The Committee shall not authorize a grant for an amount greater than 80 percent of the Committee's certified market value of the development easement or the board and/or county's purchase price of the development easement, whichever is lower. In situations where the Committee is cost sharing on an easement which has been acquired, or is being acquired, by a municipality, the Committee shall not authorize a grant for an amount greater than 80 percent of the Committee's certified market value of the development easement or 80 percent of the sum of the municipality's purchase price of the development easement plus the interest or discount on bonds the municipality incurred in association with the acquisition of the development easement from the date the municipality acquires the easement to the date of the appropriation of State funds, whichever is lower. The Committee's cost share grant for a development easement involving a governmental entity's prior acquisition of land in fee simple title also shall be subject to 2:76-6.23.

1. The percent Committee cost share shall be based upon the following:

Landowner's asking price	Percent committee cost share	
From \$ 0.00 to \$ 1,000	=	80% above \$ 0.00
From > \$ 1,000 to \$ 3,000	=	\$ 800 + 70% above \$ 1,000
From > \$ 3,000 to \$ 5,000	=	\$ 2,200 + 60% above \$ 3,000
From > \$ 5,000 to \$ 9,000	=	\$ 3,400 + 50% above \$ 5,000
From > \$ 9,000 to \$ 50,000	=	60%
From > \$ 50,000 to \$ 75,000	=	\$ 30,000 + 55% above \$ 50,000
From > \$ 75,000 to \$ 85,000	=	\$ 43,750 + 50% above \$ 75,000
From > \$ 85,000 to \$ 95,000	=	\$ 48,750 + 40% above \$ 85,000
From > \$ 95,000 to \$ 105,000	=	\$ 52,750 + 30% above \$ 95,000
From > \$ 105,000 to \$ 115,000	=	\$ 55,750 + 20% above \$ 105,000
From > \$ 115,000	=	\$ 57,750 + 10% above \$ 115,000

- i. If the landowner's asking price is greater than the certified market value, the Committee's cost share grant shall be based upon the Committee's certified market value.
- 2. Notwithstanding (d)1 above, the Committee shall provide a grant for the purchase of a development easement on the top ranked application in a county at a 50 percent cost share in those counties where pursuant to (d)1 above, the Committee's cost share percentage would be less than 50 percent.

i. The Committee's cost share grant shall only apply to the purchase of a development easement pursuant to $\underline{2:76-6.3}$.
3. Subject to available funds, the Committee shall provide a cost share grant for up to 50 percent of the cost for eligible ancillary costs for the purchase of development easements.
i. Eligible ancillary costs shall be limited to wetlands determinations, appraisals, review appraisals, title search, title insurance and surveys on those farms from which a development easement has been purchased by the board pursuant to N.J.S.A. 4:1C-11 et seq. and this subchapter; and
ii. Ineligible costs include other local governmental expenses and administrative costs related to the acquisition of the development easement, such as staff and attorney work, clerical supplies and office space.
(e) Subject to the available funds, the Committee shall approve a grant, on a per acre basis, for the purchase of a development easement as determined in (d)1 and 2 above, based on the final surveyed acreage.
(f) In order to receive a grant for the purchase of a development easement, the County Board of Chosen Freeholders shall enter into a grant agreement pursuant to 2:76-6.18 through 6.18B.
(g) The Committee shall notify the respective boards of applications receiving final approval.

Farmland Preservation Program

County Easement Purchases

How They Work

Landowners sell the development rights on their farmland to their county. When landowners sell their development rights — also known as development easements — they retain ownership of their land, but agree to permanent deed restrictions that allow only agricultural use.

The State Agriculture Development Committee (SADC) provides counties with grants to fund 60-80 percent of the costs of purchasing development rights on approved farms. It generally holds one funding round per year for this program.

Application

Landowners apply to their county agriculture development board (CADB). The CADB reviews applications and forwards approved ones to the SADC.

Criteria

Farms must be in an Agricultural Development Area and be eligible for Farmland Assessment. The SADC prioritizes applications for preservation funding through a ranking system that assigns points for the following factors: percentage of high-quality soils; percentage of tillable acres; suitable boundaries and buffers, such as other nearby preserved farms and open space; the local commitment to agriculture (e.g., right to farm ordinances, financial commitment); size of the farm and agricultural density of the area; imminence of development, and prioritization by the CADB. These quality scores establish the SADC's preliminary priority list for preservation.

Valuation

The SADC certifies development values for each farm based on independent appraisals conducted by two licensed appraisers and a review by an SADC staff appraiser. Counties hire appraisers from an SADC-approved list.

Special Considerations

Once the SADC certifies development easement values, landowners have 30 days to submit their offers. A landowner can improve a farm's ranking on the preliminary priority list by offering to discount — or sell the development easement for less than the certified value. For every one percent a landowner discounts, two points are added to the farm's quality score. Landowner offers establish the final priority list for preservation. The number of farms that will be preserved each round depends on available state, county and sometimes municipal funding.

For More Information

Interested landowners should contact their county agriculture development board.

